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Author(s): James Wesley Freeman

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Access and/or conservation?

An examination of the issues surrounding the use/re-use of historic buildings and the questions raised more specifically surrounding disabled access, particularly in buildings used in an educational context.

James Wesley Freeman

'Dissertation submitted for the Degree of Master of Arts in the University of Liverpool in part fulfilment of the modular programme in Landscape, Heritage and Society'

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List of Abbreviations

| | |
|--------------|---|
| AMAA | Ancient Monuments & Archaeological Areas Act 1979 |
| CAE | Centre for Accessible Environments |
| CSDP | Chronically Sick and Disabled Persons Act 1970 |
| DCMS | Department for Culture, Media and Sport |
| DDA | Disability Discrimination Act (1995) |
| DRC | Disability Rights Commission |
| EH | English Heritage |
| HRA | Human Rights Act 1998 |
| LBCA | Planning (Listed Buildings and Conservation Areas) Act 1990 |
| MAGDA | Museum and Galleries Disability Association |
| RCMG | Research Centre for Museums and Galleries |
| SENDA | Special Educational Needs and Disability Act 2001 |
| UCC | University College Chester |

Abstract

This dissertation proposed to examine the issues surrounding the use/re-use of historic buildings and the questions raised more specifically surrounding disabled access, particularly in buildings used in an educational context. Within this context, I demonstrated that the re-use of historic sites is dependent on a value being assigned to that property. That value can be a subtle and complex combination of several factors. I showed that the government has had to create a legislative framework based in practicality to counterbalance these individual notions of value, and that the framework needs to be accountable and flexible. I described how the relatively recent rise in the concept of social inclusion has manifested itself in the notion of equality for all, and focused on the implications of this cultural change in terms of specific needs access to the historic environment. I discussed how, in certain circumstances, accessibility issues play a more prominent role than usual. In these cases, accessibility (particularly in a specific needs context) is viewed as essential to the majority of stakeholders and can balance out or even outweigh any conservation considerations. Finally, I examined three case studies that illustrated specific needs access approaches to historic buildings in an educational context. Of these case studies, two showed a reactive management approach that had resulted in limited specific needs access. The third case study had employed a proactive policy and is a clear example of the benefits of doing so. I have shown that rather than being mutually exclusive, conservation and specific needs accessibility can and should be viewed as mutually viable options for historic buildings.

Chapter 1

Introduction

This paper is concerned with issues surrounding the use/re-use of historic buildings and the questions raised more specifically surrounding disabled access, particularly in buildings used in an educational context. Educational facilities have been selected as they are generally buildings with an incredibly diverse range of stakeholders with varied needs, and are often located in historic buildings constructed when accessibility (in terms of specific needs) was not of prime concern¹. The paper will investigate the ways in which modern society views both it's historical heritage and the social rights of it's citizens. It will investigate whether these factors can be harmonised, or the extent to which they are mutually exclusive. Some commentators on the subject believe they can be mutually *inclusive*. In the preface to her book, *Access to the Disabled Environment: Meeting the needs of disabled people*², Lisa Foster wrote that '*the value of many historic buildings and sites lies mainly in the evidence they display of change and development in our society*'³. To Foster and others, historic buildings are not static entities; are not resources to be hermetically sealed and isolated from the surrounding evolving environment⁴. Adapting a building for specific needs accessibility is a reflection of changing society, much like the conversion of a country estate into a public park⁵. Her standpoint is indicative of the traditional argument for conservation over preservation; for living buildings over dead historical architecture⁶. After all, the argument goes, many historic buildings have accumulated decades or centuries of alteration, conversion and renovation, and so contemporary change to structure is in keeping with a natural continuity in the

¹ Simone West, 'The Special Educational Needs and Disability Act 2001', *Access by Design*, Issue 93, pp.11-16

² Lisa Foster, *Access to the Disabled Environment: Meeting the needs of disabled people* (Donhead, 1997) p. ix

³ *Ibid.*

⁴ Other examples of this approach include Valerie Wenham, Managing Access to Historic Properties, *Access by Design*, Issue 95, Andrew Shipley, *Creating an Inclusive Environment*, Disability Rights Commission (2003), and Derek Latham, Creative Re-Use: Working with the Building', *Journal of Architectural Conservation*, Vol.6, No.2 (1999).

⁵ Just one example out of many is the Wollaton Hall Country Park, Wollaton, Nottingham.

⁶ Anna Leask, Alan Fyall and Brian Garrod, 'Heritage Visitor Attractions: managing revenue in the new millennium', *International Journal of Heritage Studies*, Vol. 8, No. 3 (2002), p.249.

evolution of the historical environment⁷. The main problem faced by those, like Foster, who see providing disabled access as part of a natural process, is the question of how much one can alter an historic environment before it loses its historical relevance, its contemporary function, or both. Despite the complex issues surrounding the subject, the central problem facing the architects, conservationists, historians *et al* can be somewhat simplified. As attitudes towards disability and specific needs have changed, access has become a vital consideration in the construction and maintenance of the architectural environment⁸. This is mirrored in a growing political emphasis on *social* accessibility, focussing on the inclusion of all citizens regardless of factors like race, wealth and education, as well as disability⁹. Within Britain's architectural environment lie a multitude of historical buildings in varying stages of use, condition and significance. Many of these buildings are protected by legislation that restricts the amount of alteration that can be done to the property. As many of these buildings date from before the emergence of accessibility as a widespread consideration, most are not generally accessible to specific needs groups¹⁰. This has become a growing problem in recent years as legislation has given weight to discrimination against groups with specific accessibility needs¹¹. Thus in many cases there is a conflict between conservation legislation protecting the building, and discrimination legislation protecting the rights of the individual. While a serious issue concerning the alteration of private buildings, the problem is exaggerated in public buildings, where accessibility for *all* stakeholders and historical considerations have to be balanced against the changing legislature, and significantly, positive and negative financial implications.

As a theoretical starting point, it is first necessary to try to define what constitutes 'value' in an historic property. As we will see, it is the notion of value that

⁷ This idea could be described as a modern extension of the writings of the Greek philosopher Cicero, who believed that there was no difference between an original environment and one with human modifications to it. Although he referred ostensibly to the natural environment, the modern parallels to the conservation process are noticeable.

⁸ Rob Imrie, *Disability and the City: International Perspectives*, (Chapman, 1996), p.97

⁹ Andrew Newman & Fiona McLean, 'Heritage Builds Communities: the application of heritage resources to the problems of social inclusion', *International Journal of Heritage Studies*, 4 (3&4) (1998), pp.143-153

¹⁰ Robin Kent, 'Disability Access Provisions for Historic Buildings', *The Building Conservation Directory* (1998), taken from www.buildingconservation.com

¹¹ The most significant of these is the Disability Discrimination Act (1995), of which more will be discussed in Chapter 4.

shapes the past, present and future of a building, particularly in terms of physical development. Traditionally value has been assigned by the historical or archaeological significance of the site, that is, through the person or event associated with it. As such the tendency, heavily related to financial considerations, has been to preserve or restore the site as much as possible to 'how it would have looked', as therein lies the attraction for many visitors. Specific needs accessibility, if considered at all, has been secondary to the presentation of the site¹². Foster's definition of value is in terms of the alteration of the historic environment to assist access for all. As mentioned, her position reflects a widespread change in recent years in attitudes towards social inclusion *and* specific needs access. But, as with historical or archaeological significance, it would be unrealistic to try to confine the value of a building to simply one factor. As befits such a complex issue, the 'value' of a building is likely to be defined by a myriad of interlinked factors. For example, a building or monument may have a psychological value to the local community. This can take place in communities where a structure may represent a political or social ideal, such as the statue of Bohdan Khmelnytsky in Kiev that symbolised Ukrainian nationalism during the Soviet period¹³. A structure may also have emotional significance to the local community that outweighs any practical or historical consideration, as witnessed by the periodic auctions of structural material of outdated football stadia¹⁴. However, the factor that is perhaps most significant today is that of economic considerations. This has partly been the result of another recent emergent force; that of the development of the historical record as financial commodity. It is certain that economic factors have never played such a prominent role in Britain's historic environment¹⁵. Besides considerations of property and land value, there is an increasing focus on the income generation potential resulting from the conservation and preservation of historic properties. These income generation opportunities reflect an increasing popular interest in history; one only has to look at a week's television schedule to see how far

¹² *Creating an Inclusive Environment*, (Disability Rights Commission 2003), p.14

¹³ Anna Reid, *Borderland: A Journey through the History of the Ukraine* (Phoenix, 1997), pp. 33-38

¹⁴ One example of this process was the auction of material from Maine Road, the former home of Manchester City Football Club. Information taken from: http://news.bbc.co.uk/sport1/hi/football/teams/m/man_city/3062987.stm

¹⁵ This will be discussed further in Chapter 3, but as a quick example, consider the summer 2003 BBC2 Show *Restoration*. In that show, 30 properties of significant cultural and historical value competed for a financial reward. *All* of these buildings could be saved, the only prohibitive factor being the lack of financial support. Information taken from: <http://www.bbc.co.uk/history/programmes/restoration/>

history has entered popular culture¹⁶. This growing popularity in the historic environment has manifested itself in terms of access, but also arguably as an increasing preponderance in aesthetic or 'dumbed-down' history, best typified by the jousting knights at Warwick castle¹⁷, or the 'authentic' Tales of Robin Hood Experience in Nottingham¹⁸. Thus, in some cases, fantasy has become preferable to the historical reality, and owners of historic buildings have had to become aware of these considerations when considering disabled accessibility issues. In short, history has become big business, and this can affect which buildings are preserved, which are not, and the extent to which alterations to the fabric of the building can be made. The owner of a financially viable property may find attracting funding for renovation easier than other, less populist properties, and may even find providing access a financially beneficial process¹⁹. Any investigation of the re-use of historic properties must explore the current financial climate and the effect it has on decision making. Furthermore, the project needs to be considered in the light of recent conservation and discrimination legislation. What legislation has been set up to guide alterations and what are their comparative strengths? Are these statutes mutually inclusive, can there be a compromise? How have other organisations approached the issue of access to their historic properties? In addition, thought must be given to practical considerations such as what the stakeholder will actually do in and around the building. Will they be working there for a prolonged period or visiting for a short time? Will any alterations need to be permanent or temporary? What are the plans for the building's future and will this affect the alterations made? What materials should be used in the construction and why? Are changes to be made externally or internally, and do the alterations affect the internal layout of the building?

In order to create a context for the central investigation of this paper, chapters two and three will explore the theoretical and practical issues surrounding the re-use

¹⁶ In the week between Saturday 27th September and Friday 3rd October, prime time television shows included; *The Great War*, *The First World War*, *Tony Robinson's Romans*, *Real Heroes of Telemark*, *Boudica*, *Rome's Greatest Mummies*, *Heroes of World War II*, *Time Commanders*, and *Seven Wonders of the Industrial World*. This was in addition to films like *King of the Khyber Rifles*, *The 300 Spartans*, *The Bridge at Remagen*, *Hell in the Pacific*, *Arrowhead*, and *Henry V*. As an example of popular history with little historical realism, this list is hard to beat, but it does illustrate the blurred distinction between fantasy and reality.

¹⁷ Information taken from: <http://www.warwick-castle.co.uk/>

¹⁸ Information taken from: <http://www.robinhood.uk.com/>

¹⁹ Alan Baxter, *The Future of Historic Cities*, *Journal of Architectural Conservation*, Vol.6 No.3 (2000), p.21.

of historic buildings. What is the 'best' way to approach the physical historical record to present it to future generations, and is this way practically viable? Is it better to preserve in a vacuum or adapt to present needs? Chapter four will focus on issues surrounding accessibility, specifically for physically disabled stakeholders²⁰. Chapter five will investigate the use of historical buildings as educational facilities. As public buildings, educational facilities have a necessity, now backed by legal force (including the Human Rights Act), to be accessible to all. Many educational facilities are funded by public money and are located in public buildings, many of an historic nature. How have educational establishments located in historic buildings responded to the twin forces of inclusiveness and historical awareness? In chapters six, seven and eight I shall study three case studies of historic buildings used in an educational context that have faced issues of specific needs accessibility and taken different approaches. Firstly, the Old College building of the University College of Chester (UCC)²¹. Publicly funded, with historically important buildings; UCC has actively used its historical environment as a means of recruitment. The Disability Discrimination Act 1995 (DDA)²² and the Special Educational Needs and Disability Act 2001 (SENDA)²³ have resulted in some alteration, but accessibility has to date remained a reactive process. What should a modern educational facility do to give access to all while maintaining its historical environment, and crucially, what are the financial implications of this? Secondly, the Bluecoat School²⁴. The Bluecoat School has been managed by University College Chester since 1996. An historically important building located just outside the city walls, the school forms an important part of the historical and archaeological landscape of Chester. Thirdly, the Grosvenor Museum in Chester²⁵. Another publicly funded building, this time managed by Chester City Council, the Grosvenor Museum has employed a proactive stance in managing its specific needs accessibility requirements. Within these case studies, which has been the most successful approach in terms of accessibility, historical reuse

²⁰ I will be using the term 'accessibility' to generally refer to specific needs and disabled access issues. In other words, issues that can be resolved through some physical alteration of the building involved. This not only refers to wheelchair users, but also to stakeholders with sensory impairment and other specific needs issues. The contrast is with social accessibility, where in general, little or no alteration to the fabric of the building is strictly necessary, as accessibility is meant in terms of social inclusion.

²¹ See Appendix B: Maps & Plans, and www.chester.ac.uk

²² *Disability Discrimination Act 1995: Chapter 50*, London: Stationary Office (1996)

²³ *Special Educational Needs and Disability Act 2001: Chapter 10*, London: Stationary Office (2001)

²⁴ See Appendix B: Maps & Plans, and www.chester.ac.uk

²⁵ See Appendix B: Maps & Plans, and <http://www.chestercc.gov.uk/heritage/museum/galleries/museumhistory.html>

and educational function. Is the conflict between specific needs accessibility and preservation a case of '*all for one and one for all*', or '*the needs of the many outweigh the needs of the few*'?

Chapter 2

Theoretical Considerations in the Reuse of Historic Properties

In many areas of our society, there is the theory of how things should be done, and the practicality of how they will (or won't) be done. This can be termed as the theoretical ideal versus the practical reality. Nowhere is this trend more evident than in the conservation and preservation of historic buildings¹. Given the recent popular upsurge in interest in our historical landscape, it is fair to say most people would agree that, if possible, *every* building of historical importance should be preserved². However, it is equally true to say that what one person finds historically 'valuable' another may not. Every person will also have different priorities in terms of the value of sites within the historical environment. Thus, when considering the theoretical ideal of the re-use of historic properties, it is necessary to fully examine the concept of historical value. It is an understanding of this value that defines the reality of the selection, preservation and conservation of historic sites and properties. As described in chapter one, the definition of value does not just depend on physical considerations such as condition, location, aesthetic appeal (which is itself subjective), but also on cognitive considerations such as the historical relevance and importance of the site and its future plans. In addition to these are the more emotive considerations relating to the local population's emotional and psychological attachments to the structure. As we will see in chapter 3, all of these factors have to be assessed with relation to the practical considerations of conserving an historic building, particularly with regard to economic and legal constraints. In 2000, English Heritage (EH) led a steering group in the production of a report entitled *Power of Place: The Future of the Historic Environment*³, which sought to review the policies relating to the historic environment of England. The report came up with 18 headline recommendations, which were first addressed by a report published by the Department for Culture, Media and Sport (DCMS) entitled *The Historic Environment: A Force for Our Future*⁴. As befits its

¹ Stephen Marks (Ed.), *Concerning Buildings*, (Butterworth-Heinemann 1996), p.161

² According to a MORI poll commissioned by English Heritage, 85% of respondents agreed that the conservation of the historic environment is important in the regeneration of Britain's towns and cities. *Power of Place: The future of the historic environment*, English Heritage (2000), p.1

³ *Power of Place: The future of the historic environment*, EH (2000)

⁴ *The Historic Environment: A Force for Our Future*, Department for Media, Culture & Sport, PP378 (December 2001)

remit, the English Heritage report is idealism writ large. It is full of statements advocating the ideal; a perfect fusion of historical and contemporary society. It is in full of 'third way' common sense; that *'we need to balance the need to care for the historic environment with the need for change'*⁵. The report goes as far as it can in presenting to the government a set of recommendations that it *hopes* will be implemented, while already conceding that many will be unrealistic. This is indicative of the central problem; of the Scylla and Charybdis of the ideal versus reality. As we will see in chapter 3, the government's response to the English Heritage report has significant implications for the future management of the historic environment.

Putting practicalities aside, the first step, if possible, is to attempt to define what constitutes an historic property. The DCMS uses the term *'heritage asset'* to include *'scheduled monuments and other archaeological remains; historic buildings, both statutorily listed and those of more local importance; conservation areas; historic landscapes, including registered parks and gardens, cemeteries and registered battlefields; and historic elements of the wider public realm, including publicly owned and managed spaces and recreational parks'*⁶. Heritage, they go on to say, is *'about the values that people attach to places'*⁷. An understanding of these values has guided the development of legislature affecting the selection of historic sites for protection and development, thus it is worth examining each of them in detail. Are they still valid? How do they affect the practical considerations surrounding the continuous use of these buildings? There are I believe, two main categories of theoretical factors affecting the perception of a site's historical value. One lies in it's physical history, and the other in how that history has manifested itself in contemporary society's perception of the site. It is difficult to have one without the other. For example, a unique architectural site without a history will find it difficult to express itself in the public consciousness (e.g. the Millennium Dome⁸). Unique architectural sites constructed in recent history are frequently labelled as *'eyesores'* or *'concrete monstrosities'*, whereas buildings labelled as such in the recent past are now

⁵ *Ibid.* p 5

⁶ *Managing local authority heritage assets: Some guiding principles for decision-makers*, English Heritage (June 2003), p.5

⁷ *Ibid.* p.7

⁸ The Millennium Dome has been described, among other things, as shabby & dusty, a white elephant, and a politicised tent. Information taken from www.bbc.co.uk/news

considered as valuable sites⁹. Conversely, historical sites that have not entered the public historical consciousness are likely to struggle for recognition, and therefore funding for conservation (e.g. the collection of industrial brick chimneys in Burnley)¹⁰.

1) Historical/Archaeological Factors

a) Associated with a Person

Value can be attached to a site where it has been associated with a person. The value depends on the person, although that itself is governed by various factors. Fame, wealth, and notoriety all play a part, as does the context in which the person was associated with the site. Birth and death appear to have a greater currency than simply being resident. In some cases this 'value' can transcend the actual location of the associated site. This can be illustrated by the fact that in York, the place of Guy Fawkes birth is proclaimed by plaque, despite the fact that the building itself has long since been demolished and rebuilt upon¹¹. This would indicate that the value attached to personality plays a greater role today than the past, and that the public perception of personality can define a building *more* than the building itself! It will be interesting to see if in the current celebrity obsessed, Big Brother society, this emphasis on historical personality (or the illusion of historical personality) will increase.

b) Associated with an Event

Another significant value placed upon a site can be because of its association with an event or historical time period. Again, in many cases the actual location of the site can be secondary to the anticipated manifestation of the sense of history in the visitor. The visitor centre at Whitby Abbey is full of Dracula memorabilia; this is playing on the site's atmosphere, and is designed to instil an emotive response in the

⁹ An academic definition of 'eyesores' can be found in Susan McDonald (Ed.), *Preserving Post-War Heritage: The Care and Conservation of Mid-Twentieth Century Architecture*, (Donhead 2001), p.5, describing modern architecture as '*the greatest and most sustained mutiny against the tyranny of the treasure house to have taken place since the coming of connoisseur-ship in the 18th century*'.

¹⁰ James Strike, *Architecture in Conservation: Managing Development at Historic Sites*, (Routledge 1994), p.25

¹¹ For more information see http://www.eveningpress.co.uk/york/tourism/guy_fawkes.html

visitor¹². In this case, fantasy and history are blurred, and the value to the visitor is through a subtle combination of both perceptions. Many of the most successful (usually in financial terms) sites employ this approach by focusing on the aspects of the site that most appeal to their target audience. Examples of this include the Tower of London (the Chamber of Horrors), Warwick Castle (medieval knights and jesters), and smaller buildings like the 'Ye Old Trippe to Jerusalem' public house in Nottingham, which prospers under the (unproven) fact that crusading knights drank there in the eleventh century¹³.

c) Original Use

Connected with historical people and events, the original function of a site can affect the public perception of its value¹⁴. Again, the value assigned can be connected with the popular public perception of the original function, rather than the structural or architectural merit of the site. This again can be blurred by fantasy over reality. It is a commonly accepted fact today that many medieval castles were administrative centres rather than purely offensive structures¹⁵. Nevertheless the public perception (as typified by Warwick) remains of castles as dark redoubts of boiling oil and catapults¹⁶. The excitement of live medieval combat will outweigh the economics of the bureaucratic administrative centre. The reverse of this can be seen in the recent loss of colliery sites. Many examples of industrial mining architecture have been lost over the last 20 years, the landscape flattened and turned into sprawling industrial estates¹⁷. Outside of the enthusiasts these clearances have largely gone unnoticed. Mining as an industry does not cast the same spell in general public awareness as the imposing medieval castle.

¹² For more information (including direct links to Dracula and Bram Stoker) see <http://www.queensland.co.uk/abbey.html>

¹³ For more information see <http://www.eee.nott.ac.uk/ieee/city.html>

¹⁴ In Derek Latham, *Creative Re-use of Historic Buildings: Volume 2*, (Donhead 2000), pp.185-189, he cites around 160 examples of re-used buildings. In the majority of cases, the original function of the building was either industrially or agriculturally based.

¹⁵ R. Allen Brown, *Castles*, (Shire 1985), p.5

¹⁶ G. M. Trevelyan, *A Shortened History of England*, (Penguin 1959), p.121

¹⁷ In the village of Pinxton, Derbyshire, land previously used to service several shafts has been levelled and turned into industrial space for companies such as Wharf Aquatics.

d) Age

Connected with the original function of a building is its age. Another common perception is that the older something is, the more 'valuable' it is¹⁸. This can be seen in the fact that of the roughly half a million listed buildings and scheduled monuments in Britain, only around 3% are from the twentieth century, despite 80% of the nations buildings being from that era¹⁹.

e) Continuous Use

Another factor that can affect the notion of value is if the site has been in continuous use throughout its history or had periods of dereliction. This not only affects the material value in terms of the physical condition of the site, but also includes the extent to which past alterations, renovations and developments have affected the fabric of the site. This can also include the economic and aesthetic value of building materials e.g. oak, building techniques e.g. thatch, and any significant architectural features²⁰. The dates of any alterations are also significant. A building may have received recent alterations that have served to diminish its value in the public mind²¹.

The factors identified above have been historical/archaeological. By this I mean factors affecting the site that have taken place in the past, albeit sometimes continuing to the present day. These factors combine with a perception of value uniquely related to the present context, that is, how the site relates to its present environment. In a sense, the above factors are related to the site itself, while the following are related to the surrounding environment.

¹⁸ Bernard M Feilden, *Conservation of Historic Buildings*, (Butterworth-Heinemann, 1994), p.6

¹⁹ *Protecting our historic environment: Making the system work better*, Department for Media, Culture & Sport, July 2003, p.5

²⁰ Christopher Brereton, *The Repair of Historic Buildings: Advice on Principles and Methods* (English Heritage, 1995), p.5

²¹ One can see an example of this in the concrete façade to the Old College building of University College Chester. Further information can be found in Chapter 6: Case Study A: University College Chester.

2) Local Environment

a) Local Landscape

Value can be assigned to a site in relation to its present environment. The site may form an integral part of a locality, or may indeed stand out as an outstanding feature of an unremarkable landscape. This could be through virtue of its aesthetic appeal in conjunction with the local environment, like a water mill nestling in the crook of a riverbank. Conversely, a cotton mill adjoining waste ground in West Bradford may not elicit the same public emotion. In these cases factors affect the site that primarily affect the local environment. Is tourism a part of the local economy? Does the local environment have any building restrictions on it? In some cases, alterations to a building may serve to *fit* the building to the surrounding environment. After the House of Commons chamber was destroyed by bombing in 1941, the replacement was a “*Gothic replica, a pastiche of a pastiche, a homage to a homage*”²². That the new building, formed from the remnants of the previous building was impractical didn’t matter. It was more important for the building to fit with the environment, to portray an illusion of history and traditional power.

b) Emotional/Psychological

The site may have an emotional significance to the local community that forms an integral part of its value. For example a site may have a particular significance for a political, religious or other focus group. Supporters groups are often formed when football clubs begin to plan to leave their traditional home for a new stadium. These groups frequently cite the bond between the club and the local community as a reason for preserving the site. Even if the site is redeveloped, fans will often pay money for structural relics, showing a psychological/emotional bond between them and the site. Although less so in the United Kingdom, historical sites can have political importance attached to them, as witnessed by the targeting of ethnic historical sites during the Balkan conflicts of the early 1990’s²³. Destruction of historical sites is a common occurrence where one group is attempting to subjugate

²² Jeremy Paxman, *The Political Animal*, (Penguin 2003) p.105

²³ Jukka Jokilehto, ‘A Century of Heritage Conservation’, *Journal of Architectural Conservation*, Vol. 5, No. 3 (1999), p.16

another²⁴. It is a measure of the power that buildings have in our consciousness that this matters, that the value of an historic building can have true emotive force. In Russian history, reconstruction of architecture after 1945 was based around the 'Soviet Empire' style that '*combined the neoclassical and Gothic of the Russian Empire with monumental structures trumpeting the magnificence of the Soviet achievement*'²⁵. Thus historical and contemporary society was brought together in architecture designed to evoke pride and cultural identity within the population. In this case we see again the duality of fantasy and reality.

The theoretical reuse of historic buildings is rooted in the perception of the site's value. Hence, the value placed upon a site has a highly significant effect on how the site is managed. In this chapter I hope to have demonstrated that the identification of a historic property is not as simple as purely its age or archaeological merit. The value will often be a complex combination of the factors identified above, further influenced by individual preference and the prevailing *zeitgeist*. Every person will look upon a site and form their own opinion as to its value, incorporating all of their own beliefs, prejudices and sentiments. These factors will *themselves* have been shaped by social forces, cultural forces and by the environment itself. Often these beliefs are more emotive than practical, and are rooted in the imagination and fantasy of history rather than the reality. In addition to the individual's perception of value, conflict also arises through an individual's notion of idealism. Passion can be inflamed by the perceived destruction, alteration or neglect of a favoured building or landscape. That the building has been in a constant state of alteration throughout its history is to some degree irrelevant; it is the here and now that is under threat and human beings crave security and the illusion of permanence. Thus, an individual's perception of a building's value and (continuing) management is more of a subjective emotive force than an objective consideration. It is clear that without a practical framework to manage the re-use of historical buildings throughout the country, the issue would soon descend into a maelstrom of differing and irreconcilable opinions²⁶. The framework must temper the subjective forces of fantasy and idealism, and

²⁴ Another example of this has been witnessed in the current Israeli/Palestinian conflict, where religious historical sites have often been targeted.

²⁵ Orlando Figes, *Natasha's Dance: A Cultural History of Russia* (Penguin, 2002) pp. 504-505

²⁶ *The Historic Environment: A Force for Our Future*, Department for Media, Culture & Sport, (December 2001), p.34

produce a realistic and practical system for managing the re-use of historic properties. It should be a framework that favours consensus, and take into account the economic and technical considerations influencing a site's management²⁷. It should be a framework that is detached and objective, and one that counterbalances the emotion of the theoretical. The next chapter will examine the attempts made to create such a coherent and uncontroversial policy. Does the current framework give more weight to theoretical or practical considerations?

²⁷ The Planning Policy Guidance note: planning and the historic environment (PPG 15), described the necessity of a '*flexible and pragmatic approach*'.

Chapter 3

Practical Considerations in the Reuse of Historic Properties

Given the incredibly complex definition of historic value, and given that simple financial restraints mean that all historic buildings cannot be protected and maintained, the government and its advisors (such as English Heritage) have had to create a statutory framework whereby buildings can be effectively protected and helped. As the government of the day is continuously locked in a battle for public opinion this issue can be somewhat confused. As identified in the previous chapter, many of the factors affecting the perceived value of a site relate to the perceptions of the local populace. This becomes significant when we recall that in many cases of building consent, the local government have the final say¹. The local government of course, serves the local population, thus value placed on a building by the populace is a consideration that no local government can seriously ignore. Furthermore, the same argument can be broadened to include the national government and sites of national importance. Given the recent rise in public awareness of archaeology and Britain's historical heritage, it is more important than ever that national and local government address these issues, and continuously reassess the legislation to get a coherent and practical policy. Indeed, the DCMS have acknowledged this in their recent report, remarking that *'the statutes that protect ancient monuments and historic buildings have stood the test of time but ...need refreshing'*, and that *'legislation must be sufficiently robust to protect what is fragile and sufficiently flexible to allow change'*² When we also consider that in early 1992, English Heritage had 3 million members³ (or in government parlance, voters), the practical benefits to a government (or council) openly addressing these issues are obvious. Any given area may have a multitude of sites considered of value by the local population. As mentioned in chapter two, this value will depend on a number of interlinking factors and personal preference. However, no council or government can act purely on public opinion. If they did, decision-making would become a remarkably difficult process! In addition to the factors affecting value described in chapter two, authorities (by which I

¹ *Protecting our historic environment: Making the system work better*, DCMS (July 2003), pp. 28-29

² *Ibid.* p.2

³ Jeremy Paxman, *The Political Animal*, (Penguin 2003) p.143

mean government, heritage organisations, environmental organisations etc.) must take another set of factors into account. These relate to the building's present location, function, condition and other factors, can be loosely classified as practical or technical considerations, and are all in some way related to economic factors. They are crucial in helping the local government to prioritise resources in funding changes and alterations to keep buildings in continuous use. They should counterbalance the subjective perceptions of the local population. Underpinning it all is the *existing* conservation and preservation legislation, of which more will be discussed later.

3. Practical/Technical Considerations

a) Present Location

To what extent does the current location affect land value? As an example, Craven Cottage, the historical home of Fulham Football Club, was first used by the club in 1896 and contains several historically important buildings⁴. In addition to this is the emotional value placed on the ground by the supporters. When the businessman Mohammed Al Fayed became chairman of the club, it was soon noted that the land value of the site occupied by the club would be extremely high due to its location close to the centre of London and view of the River Thames⁵. In purely financial terms, Mr Fayed would make significant amounts of money selling the ground to property developers. It is debatable whether the emotive or legislative force needed to stop this will eventually win out over economic considerations. It is also important to find out if the building is located within a conservation or archaeological area as this may affect planning permission⁶. Alterations to the Bluecoat Museum and Grosvenor Museum both required an archaeologist's report, resulting in a watching archaeological brief during alteration work⁷.

⁴ *Sky Sports Football Yearbook*, Ed. Glenda Rollin & Jack Rollin, (Headline 2003), p.182

⁵ On the 15th September 2003, the BBC reported that Al Fayed had sold the first right to build on the Craven Cottage site for £50 million. The ground itself was reported to have a value of £100-£150 million. Taken from www.bbc.co.uk (15/09/03).

⁶ Robert Pickard, 'Area-Based Protection Mechanisms for Heritage Conservation: A European Comparison', *Journal of Architectural Conservation*, Vol.8, No.2 (2002), pp.82-84

⁷ Planning Applications 02/1519/LBC and 98/640/FUL, Chester City Council Planning Office

b) Present Use

Is the site currently in use? This is a crucial question and affects the legislation that applies to the structure. If the building is in use, what is the condition of the building in terms of cost of resources and time needed to repair or renovate? Is the use and age of the site reflected in the value and type of contents? It is important to identify who owns the building. Is it a private or public building? The DCMS states that “*a large majority of listed buildings are in private ownership*”⁸. This again has implications in any associated legislation, especially with regard to funding⁹.

c) Future Use

What will be the future use of the building? Are the proposed alterations temporary or permanent? What building materials need to be used? Who will the users be, and significantly what will be their accessibility needs? What will be the ongoing costs and maintenance?

d) Economic Considerations

In 2002 there were 376,094 listed building entries, broken down as 91.8% Grade II, 5.7% Grade II*, and 2.5% Grade I¹⁰. Central Government owns around 1000 listed buildings, and are hence responsible for their upkeep¹¹. There is no doubt that upkeep on a listed building can be an expensive business. For example, although including significant disabled access provision, recent renovations to the Grosvenor Museum cost around £500,000¹². In the cost of application, time, material, building techniques (so as not to damage any important features), and many other factors, listed buildings are expensive in relation to adapting contemporary buildings¹³. As we will see in the next section (Conservation Legislation), economic considerations play a huge part in the conservation process. Government frequently describes the historic

⁸ *Protecting our historic environment: Making the system work better*, DMCS (July 2003), p.32

⁹ Michael Baker, Marion Bennett, Mungo Campbell, David Gilbert, Adele Ladkin and Haiyan Song, ‘Estimating the Value of the Social Benefits to Visitors to a Large Art Gallery’, *International Journal of Heritage Studies*, Vol.3, No.4 (1998) p.230

¹⁰ *Protecting our historic environment: Making the system work better*, DMCS (July 2003), p.31

¹¹ *Ibid.*

¹² Figure taken from the *Grosvenor Museum Heritage Lottery Ground Floor Access Scheme: Report 1*, Chester City Council, (April 2001)

¹³ Gerald Allison, Susan Ball, Paul Cheshire, Alan Evans and Mike Stabler, *The Value of Conservation: A Literature Review of the Economic and Social Value of the Cultural Built Heritage*, (English Heritage 1996), p. 5

environment as having ‘*potential for the benefit of... our economy*’¹⁴ or ‘*having a contribution (to) make to economic and community regeneration*’¹⁵. However, in comparison to other funding pressures, conservation appears to be not of the greatest priority to governments and councils, for example, ‘*property maintenance is frequently the first casualty of short-term revenue budget pressures, even where this runs counter to prudent asset management*’¹⁶. The implication is clear, that to ensure development the historic environment needs to take steps to make a contribution to it’s own development. In order to do so effectively, reports such as English Heritage’s *The Value of Conservation* remark that the historic environment must fully examine the financial implications of conservation policies. The report concluded that there can be ‘*large and positive dynamic benefits of urban conservation*’¹⁷, while simultaneously describing ‘conservation’ as an ‘*imprecise term which cannot easily be subjected to rigorous analysis*’¹⁸. To sum up, it appears to be the case that despite potentially expensive outlay, the conservation of historic properties can bring significant financial and social benefits. Financial benefits can come from increased customers leading to greater revenue¹⁹, and social benefits through satisfying the public sense of value identified in earlier chapters. Moreover, this engagement in the process of conservation can itself attract funding from sources like the Heritage Lottery Fund. Unfortunately, in terms of funding, the profitability of a site can also have an effect. Investors are more likely to invest money on those sites more guaranteed to be successful, such as the castles, torture chambers etc. This can lead to attractions geared toward fantasy entertainment rather than historic reality.

4. Conservation Legislation

The final element to consider is the existing conservation legislation. This exists to try to maintain a coherent policy that takes into account the contrasting and

¹⁴ *Protecting our historic environment: Making the system work better*, DMCS (July 2003), p.2

¹⁵ *The Historic Environment: A Force for Our Future*, Department for Media, Culture & Sport, (December 2001), p 8

¹⁶ *Managing local authority heritage assets: Some guiding principles for decision-makers*, EH (June 2003), p.1

¹⁷ Gerald Allison, Susan Ball, Paul Cheshire, Alan Evans and Mike Stabler, *The Value of Conservation: A Literature Review of the Economic and Social Value of the Cultural Built Heritage*, (English Heritage 1996), p. viii

¹⁸ *Ibid.* p. ix

¹⁹ Further information can be found in Chapter 8: Case Study C: The Grosvenor Museum.

complex set of factors described above. The government is always keen to point out that, despite the somewhat cynical view that economic forces shape the heritage industry, it is not the whole story. To promote its case the government points to the legislation itself, where outwardly, buildings and monuments can be given some measure of protection on grounds of 'historical value' alone. In short, the difference between scheduled monuments and listed buildings is as follows: '*the Ancient Monuments & Archaeological Areas Act 1979 (AMAA) states that (it doesn't) include any structure that is inhabited except by a caretaker. In contrast, listed buildings (are those) that are used for a purpose and remain not just for their own sake*'²⁰. Listed Buildings are designated under the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA)²¹, and are chosen and assessed against '*national criteria, considering factors such as age, rarity and archaeological merit*'²². In addition, buildings can be given a local listing by the local authority if they do not meet the national criteria but are of local interest²³. The AAMA also gave government and local authorities the ability to designate protected archaeological areas²⁴, as the LBCA allows the designation of conservation areas. Conservation areas are described as '*areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*'²⁵. There are additionally registers of Parks & Gardens and Historic Battlefields; Historic Wrecks; and World Heritage Sites administered by UNESCO and World Heritage. Thus from local to international level (except World Heritage Sites), statutory basis can be assigned to the conservation of monuments, buildings and sites of 'value'. Most are administered by the local authority with the Secretary of State and the Department for Culture, Media and Sport as the highest arbiter²⁶. All consent granted to planning applications relating to protected buildings, or buildings within protected areas, must be scrutinised by the particular legislative body. In this way the government has hoped to provide enough checks to maintain buildings in a cost-effective manner. A government or council must also take steps to reassure the public that their decision making regarding the

²⁰ Alan Baxter, The Future of Historic Cities, *Journal of Architectural Conservation*, Vol.6 No.3 (2000), p.21.

²¹ *Town & Country Planning (Listed Buildings & Buildings in Conservation Areas) Act 1990*, London: Stationary Office (1990)

²² *Protecting our historic environment: Making the system work better*, DMCS (July 2003), p.28

²³ Derek Latham, *Creative Re-use of Historic Buildings: Volume 1*, (Donhead, 2000), p.64

²⁴ There have been no new archaeological areas have been designated since 1984.

²⁵ *Protecting our historic environment: Making the system work better*, DMCS (July 2003), p.29

²⁶ *Ibid.* pp. 28-29

historic environment is not just based on practical or technical considerations, but takes into account public perception. As we will see, recent legislation has channelled the listing process, and much of the legislative administration into the hands of English Heritage.

For an insight into the relationship between theory and practice, and a salutary example of the economics of preservation, it is necessary to return to the English Heritage report, *Power of Place: The Future of the Historic Environment*, and the Government's paper, *The Historic Environment: A Force for Our Future*. The English Heritage report made 18 recommendations on the future direction of the heritage industry, and stated that they '*looked forward to the Government responding quickly and positively to the recommendations we have made*'²⁷. It is illustrative to look at some of these recommendations and the government response to them. I have selected two that I believe illustrate some salient points. For each of the recommendations I have written the EH recommendation to government, following by the relevant recommendation of the DMCS paper. Any italics are my own, and are there to show differences between the two statements.

EH Recommendation 1: Put conservation at the heart of renewal and regeneration²⁸

Require Regional Development Agencies and Local Strategic Partnerships to take full account of the historic environment in preparing economic and community strategies and implementing neighbourhood renewal

DCMS Recommendation²⁹

The Government *encourage* Local Authorities and Local Strategic Partnerships, in preparing their community strategies, *to consider the role of the historic environment in promoting, economic, employment and educational opportunities within the locality.*

²⁷ *Power of Place: The future of the historic environment*, EH (2000), p.5

²⁸ *Ibid.* p.10

²⁹ *The Historic Environment: A Force for Our Future*, Department for Media, Culture & Sport, PP378 December 2001, p.58

The distinction between these two statements is obvious. The Government is unwilling to *enforce* any requirements. Because of this the local government is not bound to consider the role of the historic environment.

EH Recommendation 2: Encourage the repair and use of neglected buildings³⁰

For the Government:

- a) Equalise VAT at 5% for *all* building work
- b) Require every local authority to produce an empty property strategy

DCMS Recommendation³¹

The Government is introducing an interim grant scheme which will have the effect of reducing to 5% the VAT rate of 17.5% for repairs to *listed places of worship*.

The Government looks to local authorities to adopt a positive approach to the management of the historic environment within their area and monitoring its condition.

In the EH paper, it was mentioned that of the 370,000 list entries, only around 11,210 (or 3%) were places of worship³². There is no mention of this statistic in the DCMS report, although EH's recommendation was mentioned as worthy of careful consideration³³. The two examples above illustrate two vital points. Firstly, that the government does not have the will to fully regulate the heritage industry. Secondly, that in terms of economic policy, major concessions are highly unlikely. This can have two broad effects by engendering either a proactive or reactive policy at local government or private ownership level. If one takes into account the potential benefits, a proactive policy can harmonise conservation and economic viability (or

³⁰ *Power of Place: The future of the historic environment*, EH (2000), p.11

³¹ *The Historic Environment: A Force for Our Future*, Department for Media, Culture & Sport, PP378 (December 2001), p.57

³² *Power of Place: The future of the historic environment*, EH (2000), p.11

³³ *The Historic Environment: A Force for Our Future*, Department for Media, Culture & Sport, PP378 (December 2001), p.38

even profitability). On the other hand, owners can do little in the way of conservation on their properties without fear of serious legislative attack.

In July of 2003, the DCMS published a consultation paper entitled “*Protecting our historic environment: Making the system work better*”³⁴. Much of the paper was shaped by the previous DCMS and EH papers. In its own words the paper sought to ‘mark a further step in engaging wide public interest in the systems we use for deciding what we value most in our historic environment’³⁵. The paper makes several final suggestions, briefly described in Appendix C: On first glance the suggestions appear to be useful and important amendments. On further inspection the government policy becomes clearer. Unwilling to regulate the heritage industry in its entirety, the majority of suggestions are a blueprint for devolvement to English Heritage, while retaining controls over them. It seems evident that point 2, giving EH responsibility for maintaining the list, is the point from which most of the other points stem. With EH in control of the listing process it would be them who had to implement most of the other points; the consultations, the strategies, the appeals.

To conclude, I have shown that as an attempt to create a practical framework that takes into account public perception, the government and heritage industry has recently implemented attempts to ‘improve’ the system. The general policy has been to devolve decision making to the local area. This clearly takes into account the local population’s perception of their environment. Recent developments have further devolved decision making to English Heritage. It is evident that the government’s strategy is to undermine a perception that economic forces shape the historic environment. In chapter 2 I described that a practical framework needed to balance out emotive perceptions. It appears that the government has acknowledged that the current public perception is that the legislative system has actually begun to *cancel* these out in favour of purely practical (and primarily economic) forces. By giving more powers to English Heritage, for example, the government is wanting to be perceived as transferring decision making to ‘people who care’ about conservation, rather than seeing it as a logistical problem. Another theme running through recent papers is the notion of unlocking financial potential. In essence, the government and

³⁴ *Protecting our historic environment: Making the system work better*, DCMS (July 2003)

³⁵ *Ibid.* p.2

funding organisations will be more likely to fund projects that will be essentially self-supporting or have a wider social significance. This is another way of being seen to have a hands-off approach. The drawback in this is that it may favour financially viable populist sites (e.g. entertainment based sites) over more specialist sites. Now, one way for sites to demonstrate that they are self-supporting is by demonstrating an adherence to another government policy, that of social inclusion. This policy, linked to the rise of concepts of anti-discrimination and the 'political correctness' movement of the early 1990's, is essentially about inclusivity. One element of this involves disability awareness and accessibility. It is vitally important not only to distinguish between social and specific needs accessibility, but also to acknowledge that specific needs accessibility is not just confined to physical access³⁶. As well as ramps, lifts and doors, specific needs accessibility is also concerned with hearing loops, visual aids and other such elements. The major issue with specific needs accessibility is that it usually involves alteration to the fabric of a building and, as I have shown, in the case of historic buildings this is a highly complex issue. The next chapter will discuss the implications of specific needs accessibility on the conservation process. Can these forces be inclusive, or will they remain in conflict?

³⁶ Rob Imrie, *Disability and the City: International Perspectives*, (Chapman 1996)

Chapter 4

Focus on Accessibility (Disabled Access)

I have shown in chapters two and three that the historic environment has value defined by a multitude of factors, not least of which are financial considerations. Evolving parallel to the increased recognition of these factors has been an increasing awareness of equal rights in Great Britain. Aside from the ethical aspect of this development, it may also be that the development of an increasingly litigious society has provided the ‘stick’ to complement the ethical ‘carrot’. This litigious society is of course rooted in law, which has itself seen the fairly recent development of acts to prohibit discrimination. Thus, for any building, there is a moral, legal, and ethical necessity to provide access for all stakeholders. With historic properties, there is the added difficulty of providing specific needs access while maintaining the character of the building, and keeping within the social and legal boundaries identified in the previous chapters. The conflict between the needs for specific needs accessibility and conservation form the basis of this chapter. Basically, in the words of English Heritage, ‘*the access aim is to promote simple, uncomplicated movement up to, into, and around historic properties*’¹. This would not be a problem had the moral, legal, and ethical necessity to provide access been present when the building was constructed. If it had been it would already be accessible, and any alterations would just adapt the building to take account of modern inventions (e.g. stair lifts). The truth is though that until recent developments, specific needs accessibility was not a generally considered option in architectural construction. In fact, it could be facetiously argued that it seems many buildings were built to *prohibit* accessibility. Victorian architecture has been described as having a multitude of varying levels and heights², and features such as spiral staircases and narrow doorframes can be very difficult to convert to provide universal access.

Recommendation 9 in *Power of Place: The Future of the Historic Environment*, focused on accessibility to the historic environment. It’s points related

¹ *Easy Access to Historic Properties*, English Heritage (1995), p.2

² John L. Bradbury, *Chester College and the Training of Teachers*, (Chester, 1975), p.221

not only to the disabled, but to other excluded social groups, reflecting the governments policy on increasing social inclusion.

Recommendation 9: Remove Barriers to Access³

For Regional Cultural Consortiums

Ensure that regional and local strategies:

Identify and address previously neglected influences on the historic environment; and

Identify opportunities to improve access to education

For the heritage sector

Find out what people value about their historic environment and why, and take this into account in assessing significance

Work with museums, libraries and archives to widen access

Work with excluded groups to develop access policy and practice

Continue to develop best practice guidance for owners of historic properties on physical access

For owners

Draw up access programmes to attract new audiences

Ensure that people with disabilities can visit and enjoy historic properties in an easy and dignified way.

We can see that these points echo those described in chapter 3 in showing a devolvement of decision making to local stakeholders and the heritage industry. They also describe a proactive way in which access policies can be formulated, by working with excluded groups and owners to provide accessibility. Nevertheless, they do remain suggestions, and it is indicative of the slow process of change that what would appear to be common sense has only been officially recommended in the year 2000. While it is clear that the government view accessibility in it's broadest sense, I will now focus in more fully on specific needs accessibility, that which most significantly affects the physical structure of a building.

³ *Power of Place: The future of the historic environment*, EH (2000), p.27

The Disability Discrimination Act 1995

1995 was undoubtedly a pivotal year in the development of equal opportunities for disabled people. In that year, the Disability Discrimination Act, and subsequently, the Disability Rights Commission, gave legal power to prevent discrimination due to physical or mental disability. Nevertheless, upon inspection the DDA of 1995 was not a particularly strong piece of legislation, and *'did not override existing conservation legislation'*⁴, specifically, *'Clause 21 of the Act (ensured) that listed buildings and scheduled monuments (continued) to be protected by existing legislation which requires anyone wishing to undertake works (of any nature) to obtain specific consent'*⁵. Furthermore, *'it will not be possible for that protection to be overruled in favour of allowing access for disabled people where that would compromise a building's special interest'*⁶.

The first part of the 1995 Act described the legal definition of a disability; a physical or mental impairment which has a substantial and long-term adverse effect on (the persons) ability to carry out normal day-to-day activities⁷. The immediate problem with this definition was the parameters of *'substantial'* and *'long-term'* effects. Long-term was defined as over 12 months, but *'substantial'* was left fairly open. The immediate problem with the definition of 12 months is that it does not take into account temporary disability brought about through illness or accident. For example, if a physically inaccessible office had a worker who broke their leg, they would not be bound by the act to provide access, or even make provision for alternative arrangements. This would have a significant effect in areas like university halls of residence, where a large, active, transient population are continuously using the facilities. Part 2 of the Act related to employers and employees. The main problem with this was that it enabled employers to justify their failure to provide equal opportunities. This justification would fall again on definitions of *'substantial'* and what counts as *'reasonable'* steps. Of the five factors given in the act that would

⁴ Lisa Foster, *Access to the Disabled Environment: Meeting the needs of disabled people* (Donhead, 1997) p. 21

⁵ *Access to the Built Heritage*, Historic Scotland (1996), p.1

⁶ *Ibid.*

⁷ *Disability Discrimination Act 1995: Chapter 50*, London: Stationary Office (1996), p.4

be given particular regard in defining ‘reasonableness’, three are related to the financial implications of any changes⁸. In terms of access, the act is clear in stating that providing access is just one of several ways in which the ‘problem’ could be rectified. Other suggestions included allocating duties to another person, altering working hours, assigning them to another place of work, and transferring to another vacancy. Clearly these options must be considered as last resorts in terms of equal opportunities, there is little (if any) progress involved in altering a person’s job to ‘fit’ their disability. The key point is that while access to all may be the best solution, the act provided several ways in which institutions where that may not be financially viable could technically adhere to the act while not providing real access. It was, I believe, an act tailored for a reactive rather than proactive policy towards equal opportunities for disabled people.

Part 3 of the Act related to the providing of goods, services and other facilities. This section was where the act showed it’s true weakness. It required sites to commit to *‘the equal access to and use of any place which members of the public are permitted to enter’*. However, this section of the Act described several exemptions to the section. This included all educational facilities funded by the following:

- A Local Education Authority in England and Wales
- Education Authorities in Scotland
- The Funding Agency for Schools
- The Schools Funding Council for Wales
- The Further Education Funding Council for England
- The Further Education Funding Council for Wales
- The Higher Education Funding Council for England
- The Scottish Higher Education Funding Council
- The Higher Education Funding Council for Wales
- And the Teaching Training Agency

The reasons for these exemptions are not explained in the Act, but describe a staggering exclusion of educational facilities. The question is why? There is no doubt

⁸ *Ibid.* p.5

that without the exemption, educational facilities would fall under the obligations due to the act in terms of providing goods, services and other facilities to the public. It is also clear that as public institutions, all are funded (as demonstrated by the selected exemption list), by public funds. Thus, the only logical reason for the exemption is the cost, which demonstrates the prohibitive strength of economic factors driving disabled access to buildings today. Educational facilities were still bound by the sections of the act relating to employers and employees, but as we have seen, that section of the DDA was open to a myriad of justifications, and even then, access related more to a changing of role than alterations to the fabric of the building.

Part 4 of the Act detailed what educational institutions were obliged to provide to their funding body, almost certainly inserted as a counter point to the exemptions described above. However, these obligations were also weakly defined. Although the act **required** that the (institutions governing body) publish disability statements at such intervals as may be prescribed, it continued that these statements **may** include conditions relating to the provision made, or to be made, by the institution with respect to disabled persons. Thus, all that is required is a '*statement containing information (not describing, or detailing) about the provision of facilities for education and research made by the institution in respect of persons who are disabled persons for the purposes of the DDA 1995.*'⁹ Again, this can only breed a reactive stance among institutions. The DDA 1995 gave educational institutions little incentive to improve their provision of services for the disabled. This is notwithstanding the conservation legislation that made alterations to the fabric of some listed educational buildings. It is little wonder then that many institutions did not see the DDA as a heavyweight piece of legislation. The five years following the publication saw six planning applications for Chester College, none of which were overtly related to disabled provision¹⁰. What the DDA did do is give framework for proactive institutions to set a benchmark of disabled provision¹¹.

⁹ *Disability Discrimination Act 1995: Chapter 50*, London: Stationary Office (1996), p.26

¹⁰ Planning Applications 00/1481/LBC, 00/1616/FUL, 01/875/FUL, 02/290/FUL, 02/993/FUL, and 03/1353/LBC, Chester City Council Planning Office

¹¹ *Access Guide: Welcoming visitors with disabilities to English Heritage properties*, (English Heritage 2002), p.1

A piece of legislation that may have an increasingly important influence on provision for disability access is the Human Rights Act of 1998, taken from the European Convention on Human Rights¹². The act came into force on the 2nd October 2000, and meant that cases previously only able to be heard at the Court of Human Rights in Strasbourg could be heard in British Courts. Importantly, prospective claimants could still take their case to be heard in Strasbourg if ruled against in the UK. The two articles particularly relevant to disability discrimination in education establishments were:

Article 14: Prohibition of Discrimination¹³

In the application of the Convention rights, (one) has the right not to be treated differently because of ... race, religion, sex, political views or any other status, unless this can be justified objectively. Everyone must have equal access to Convention rights, whatever their status.

and,

Article 2 of Protocol 1: Right to Education¹⁴

(One) has the right not to be denied access to the educational system.

Despite the typical caveats of objective justification, these two laws effectively underpin the whole moral and legal case for equal opportunities for the disabled, in this case access to education. The HRA not only gives status to the disabled equal to that of racial or sexual differences, but equates the right to education as legally equal to the rights for free elections, fair trials and freedom of expression. Finally, it engenders an important psychological factor whereby claimants can appeal to a wider international court (i.e. not rooted in the political complexities or social culture of the parent country)¹⁵.

¹² *The Human Rights Act: An Introduction*, Home Office Communication Directorate (2000)

¹³ *Ibid.* p.6

¹⁴ *Ibid.* p.7

¹⁵ *Disability in Context: Resource Disability Portfolio Guide 1*, Resource (2003)

It is evident that discrimination legislation, although weak at first, is becoming stronger. This is not just because of tighter British and European law, but reflects in increasingly inclusive society. As the discrimination legislation gets stronger it becomes more and more able to match the conservation legislation. To try to resolve this conflict between conservation and discrimination legislation, English Heritage have advocated the use of the 'Access Plan'. This plan should include the following points¹⁶:

1. Identification of the existing physical and communication barriers to access.
2. Examination of the access needs of the users.
3. Assessment of the impact of these on features of historic, architectural or archaeological interest, or their setting.
4. Development of a solution to reconcile access and conservation needs.

In practical terms, the first three of these points are relatively easy to deliver. Points one and two come from an access perspective and can be delivered by a combination of access audit, discussions with disabled stakeholders and adherence to the discrimination legislation. The third point comes from a conservation perspective, and, in the case of planning applications, is identified through inspectors with relevant skills (e.g. archaeologists). These skills of course correspond to legislation with a conservation focus. The problem frequently arises with the fourth point, where the essential compromise is one of maximum accessibility through minimum alteration, a compromise not easily reached. There appears to be an endless amount of technical problems in altering a historic building for specific needs accessibility. This is not just confined to the obvious, for example, the alteration of a doorframe to allow wheelchair access, but also the obscure, for example, potential damage to the fabric of the building through '*disturbance of the heat and moisture balance*'¹⁷. When studying this conflict, it is difficult to come to any other conclusion that, in cases of conflict, conservational issues still come out on top. This is partly due to the limits of the discrimination legislation as compared to the conservation legislation, and comes through implicitly in cases of planning permission application. In these cases, it is the

¹⁶ *Easy Access to Historic Properties*, English Heritage (1995), p.5

¹⁷ *Building Regulations and Historic Buildings: an interim guidance note on the application of Part L*, English Heritage (2002), p.20

conservationists that have the heavier weight of legal force behind them. It is frequently the case that a planning application is received and conservational reports alter the plans. It is rare indeed where a planning application is referred to an access officer, to ensure that the proposed changes do not compromise the accessibility of the building. It is conservational issues that are embedded in the hearts and minds of many involved in the heritage industry. Despite this, recent modifications to law have ensured that specific needs accessibility must be a consideration in adaptations¹⁸.

In conclusion, it is clear that currently, conservational issues take precedence (culturally and legally) over discrimination issues, despite the recent advances in campaigns for widespread social inclusion and disabled access. The compromise of these opposing forces is weighted toward conservation, due mainly to weaknesses in the discrimination legislation that allows concepts of ‘reasonable’ change, and the provision of ‘alternative’ arrangements. Nevertheless, the general development of awareness of social inclusion (and the potential legal recourse to the European parliament), has meant that accessibility awareness has had to become an integral part of heritage management. This trend is only likely to increase over the next years and decades. Permeating this conflict between conservation and preservation are the economic forces of the time. These forces have been subtly altered by the growing understanding that accessibility can, rather than being a kind of ethical expense, be a source of funding and increased profitability. In a competitive heritage industry accessibility can no longer be ignored, but can actually be a marketing point, for example, one of English Heritages main objectives is to ‘*ensure that the properties in (their) care are accessible to as many people as possible*’¹⁹. In the next chapter, I will apply this conflict of conservation vs. specific needs accessibility to a specific sector, education, that includes the additional problem of having a widespread social function.

¹⁸ *Special Educational Needs and Disability Act 2001: Chapter 10*, London: Stationary Office (2001)

¹⁹ *Access Guide: Welcoming visitors with disabilities to English Heritage properties*, English Heritage (2002), p.1

Chapter 5

Historic Properties as Educational Institutions

So far, I have argued that the preservation of historic buildings is rooted in the public perception of their 'value'. The difficulty facing national and regional institutions has been to create a practical framework for conservation that takes into account the potentially infinite combination of historical and contemporary factors existing within the public arena. If this were not complicated enough, this framework has faced a continuous shifting of public opinion due to forces such as the rise of popular history and its associations to the leisure industry. Onto this scene came a growing movement for equal rights for all, typified by the Disability Discrimination Act of 1995. I have argued that the conflict between conservation and discrimination can be termed as a battle for consensus, and is one in which conservation has had the upper hand. However, demands for specific needs accessibility have found a stronger voice in recent years, and the indications are that this is becoming more ingrained within conservational processes. But there *do* appear to be situations where discrimination legislation is given more weight than usual over conservation legislation. Typically this takes place when a building is considered to have a contemporaneous social value *completely separate* from its value as an historic building. It occurs where accessibility is not just a feature relating to the building, but to the processes engaged within the building. As an example, consider the differences between an historic building used as offices, an historic building used as a shop, and an historic building used as a hospital. If one ignores for a second the building itself, we can see that there are intrinsic differences in terms of public specific needs accessibility in the activities taking place. The average person will almost certainly never need to enter or use a private office that is unconnected with their job. They are more likely to use a shop, but probably only for a specific requirement. However, they will almost certainly have to enter a hospital at some point in their lives, whether to visit or receive treatment. Most people would therefore say that accessibility is more important in buildings they may *be required* to access, than in those they may never access. This may be a cynical view but it is, I believe, accurate in terms of human nature. In the case where these buildings are of historic value, this accessibility need can increase the general importance of the building, and can sometimes outweigh

conservational considerations. Put simply, in some cases access becomes more important than conservation. As the range of stakeholders increases, for example in social activities like education, health and law enforcement, so does the public perception of the need for inclusiveness and specific needs accessibility¹. In a perfect world of course, all buildings would be equally accessible. But in a system dominated by public perception and economic forces, a hospital will have more value attached to it (above and beyond conservational issues) than privately owned offices. Considering the points made in the previous chapters, how have educational establishments located in historic buildings responded to the twin forces of inclusiveness and historical awareness? What lessons can be learned for other public and private buildings? What should a modern educational facility do to give access to all while maintaining its historical environment, and crucially, what are the financial implications of this? If specific needs accessibility to historic buildings is important, and the concept of social inclusion arguably even more so, then the combined weight of these factors in educational institutions is absolutely imperative.

By educational institutions I mean both active learning environments like schools, colleges and universities, as well as the more passive learning institutions like museums and exhibitions. As I have mentioned, education is recognised as a fundamental part of our society, as evidenced by its inclusion in the Human Rights Act of 1998². In fact, during the foundations of the modern educational system in the late nineteenth century, some recognition was given to the importance of inclusivity. *‘(From) the 1880’s onwards there was continuous if uneven expansion in local authority provision not merely for the mass of the nations children but those with special needs: the blind, deaf and dumb, epileptic, feeble minded, and the merely ‘backward’ and ‘dull’*”³. What is illuminating about the above quote is not just the factual content, but the language the *author* uses to describe specific needs; the quote comes from 1993⁴. Today, I would argue that accessibility and inclusivity has a

¹ *Small Museums and Social Inclusion: Data and key findings of a research project funded by Resource, The Council for Museum, Archives and Libraries, and undertaken by RCMG, RCMG (2000-2001)*, p.1

² *The Human Rights Act: An Introduction*, Home Office Communication Directorate (2000), p.7

³ Jose Harris, *Private Lives, Public Spirit: Britain 1870-1914* (Oxford 1993), p.199

⁴ In *Visitors with Disabilities: A Manual to Staff* (National Trust 1998), *the blind and deaf & dumb* were described as unacceptable phrases. The use of *feeble-minded* belongs back in the nineteenth century.

greater currency within the conservation of historical educational buildings than with buildings with more limited (in terms of inclusiveness) stakeholders. The case studies will show examples of three historical educational buildings and the extent to which conservational issues have outweighed specific needs accessibility (or vice versa). The fundamental problem lies with the fact that in many cases, educational facilities are housed in historic buildings, some with significant architectural and cultural value. For example, a quick flick through Pevsner uncovers the Wallasey School of Science and Art (Built c.1830)⁵, the Grange Secondary School in Bidston (1933)⁶, the Conway Secondary School (1905-06)⁷, the City High School (1909-12)⁸, and the Queens School, Chester (1882-3)⁹. As I have mentioned, the recent rise in accessibility awareness means that many of these historic properties are to a greater or lesser extent inaccessible to disabled stakeholders. In addition to this, the particular weakness of the DDA with regard to educational institutions meant that accessibility to schools has been almost an entirely proactive process confined to individual establishments, rather than a widespread campaign.

In 2001 the DDA was amended by the Educational Needs and Disability Act (SENDA)¹⁰. The new ordinances were produced in two codes, one for pre-16 education and one for post-16 education. In the post-16 code the duties were as follows¹¹:

By 1 September 2001

The duty not to discriminate against disabled people of students by treating them less favourably than others. In addition, (the act required) responsible bodies to provide certain types of reasonable adjustments to provision where disabled students or other disabled people might otherwise be substantially disadvantaged.

⁵ Nicholas Pevsner and Edward Hubbard, *The Buildings of England: Cheshire*, (Penguin 1971), p.372

⁶ *Ibid.* p.95

⁷ *Ibid.* p.85

⁸ *Ibid.* p.174

⁹ *Ibid.* p.159

¹⁰ *Special Educational Needs and Disability Act 2001: Chapter 10* (London: Stationary Office 2001)

¹¹ *Ibid.*

By 1 September 2003

The duty on responsible bodies to make adjustments involving the provision of auxiliary aids and services.

By 1 September 2005

The duty on responsible bodies to make adjustments to physical features of premises where these put disabled people or students at a substantial disadvantage.

While acknowledging the step forward in terms of legal force, it is interesting that disability discrimination in schools and other educational establishments lagged a clear 6 years behind the exemptions in the DDA. Indeed, the third duty, to make adjustments to physical features, will only come into force a decade after the DDA was released. It is a clear indicator of how toothless the DDA was in this regard. The codes were prepared and issued by the Disability Rights Commission (DRC), the body set up through the DDA, and has no legal obligation in itself, but applies to action brought under the DDA. Nowhere in the SENDA itself, or in the 126 pages of the Post 16 Code of Practice is there **any** information as to why educational establishments were exempted from the original 1995 act¹².

Under the new act, educational providers could not discriminate against students in the following categories¹³:

Admission and Exclusions

and,

Services (any services that an institution provides or offers to provide wholly or mainly for students attending or undertaking courses)

¹² *Code of Practice Post-16: Disability and Discrimination Act 1995 Part 4*, London: Stationary Office (2002)

¹³ *Special Educational Needs and Disability Act 2001: Chapter 10*, London: Stationary Office (2001)

It is hoped that SENDA will have a significant impact on specific needs accessibility in educational institutions (public museums were covered in the DDA)¹⁴. However, although an improvement on the DDA, SENDA is still weakened by the defining concept of reasonableness, in addition to other difficulties surrounding the definition of 'less favourably'. In terms of reasonableness, the Post-16 Code of Practice recommends that among other things, financial resources and the cost of the steps should be taken into account¹⁵. This is similar to the DDA advice for defining reasonableness, and provides a means through which educational bodies can argue their case for not providing complete levels of accessibility. Nevertheless, SENDA does demonstrate a growing movement towards stronger discrimination legislation.

I hope to have shown that the re-use and conservation of historic buildings is an extremely complex issue. It is an issue of compromise between preservation vs. conservation, of modern use vs. historical character, of conservation vs. accessibility (particularly in a disability context). Nowhere are these conflicts as stark as in buildings used by the widest possible range of stakeholders, for example those in health and education. Within these buildings, the necessity for accessibility is stronger perhaps than in many other buildings. Public perception of these buildings has a slightly different tangent to that of, for example, a medieval castle or water mill. In essence, owners (or leasers) of these buildings must focus on either a reactive or proactive policy towards the building. A reactive policy must circumnavigate the discrimination legislation, often utilising the conservation legislation as a guide. It is and will remain an increasingly dangerous policy to pursue, particular in terms of European legislation and increased human rights laws. As public buildings, they also have more of a spotlight on their activities, inviting public interest and criticism. Crucially though, a reactive policy is essentially a cheap policy. Educational institutions have limited budgets to start with, so it is perhaps not surprising that unnecessary (in legal terms) work takes a back seat to, for example, forging prestigious and lucrative links with international banks. However, the increased public interest in heritage and the local environment, coupled with increased sources of funding, have meant that in some cases, a radically proactive approach can reap

¹⁴ Simone West, 'The Special Educational Needs and Disability Act 2001', *Access by Design*, Issue 93

¹⁵ *Special Educational Needs and Disability Act 2001: Chapter 10*, London: Stationary Office (2001)

political dividends, and can ultimately provide economic benefits that outweigh the money saved with reactive approaches. The following three case studies will look at historic buildings used within an educational context. How have these buildings approached the changing issues surrounding accessibility? Have they taken a proactive or reactive approach? Which has more potential for future benefits, and which are in danger of legislative attack?

Chapter 6

Case Study A: University College Chester



Fig. 1: The modern front of the Old College building, showing the concrete façade added in the 1960's.

Chester College was founded on 25th January 1839 and occupied a 1 acre site, gifted from the Dean and Chapter of Chester Cathedral¹. It has been in continuous use as a higher educational facility ever since. As described in *Perspectives of Chester College: 150th Anniversary Essays 1839-1989*, the original building was ‘*designed in Tudor style, (and) was four storeys with mullioned windows, tall chimneys and built of brick.*’². The original building still stands, although the last 165 years have seen alternations, additions and amendments that have totally changed the visible and invisible structure of the Old College building³. Seaborne wrote that ‘*the result may seem to be a confusing medley of buildings but, when considered as historical*

¹ Clifford Hargreaves, *Chester College Site & Setting*, in *Perspectives of Chester College 150th Anniversary Essays: 1839-1989*, (Chester 1989) p.19

² *Ibid.* p.19

³ Plan A. in Appendix B shows the ground plan of the original college buildings. Reproduced from Malcolm Seaborne, *The College Buildings*, in *Perspectives of Chester College 150th Anniversary Essays: 1839-1989*, (Chester 1989) p.32

documents with many revisions and amendments, they are found to tell an interesting story over a period which saw the birth and growth of the modern system of education'⁴. Indeed, as the modern system of education has grown, so has the awareness of inclusivity and specific needs access. The notion of a socially inclusive environment did not escape the architects of the original College building. It was designed as a single entity; where students could work, study and live in one structure. It perhaps goes without saying that disabled access was not a consideration for the early architects, as witnessed by the '*long, narrow, winding stone staircase*' that connected the ground floor with the dormitories above. In addition, there was much of what Bradbury described as the '*passion of Victorian architects for different levels (that meant that every (thing) had to be carried up and own a short stairway*'⁵. By 1874, the acquisition of surrounding land had resulted in the expansion and construction of the college buildings around the original structure. One of these buildings was the College Chapel, designed and built by J. E. Gregan of Manchester in 1844-47)⁶ which only finally received a disabled access ramp in 2003, and will be discussed later. Throughout the first 150 years of Chester College expansion, it could be argued that access considerations were hardly considered, or if they were, rarely implemented. The essay on the College buildings written in 1989 describes in detail a myriad of alternations within the college's lifetime, but none are linked to accessibility or even a socially inclusive approach. Neither do the 255 pages of John L. Bradbury's *Chester College and the Training of Teachers* mention specific needs accessibility. In terms of social inclusion, only in 1961 did the College take on its first female students (and up until the 30's no women were allowed). Interestingly, the college population in 1844 could argue to have a similar approach to that of widening access policies today, many of the students apparently having '*poor previous education and strongly provincial dialects*'⁷. It was also necessary in those early days for the students to be able bodied, having to engage in activities such as making lathes, operating a circular saw, and working gothic mouldings in oak⁸.

⁴ Malcolm Seaborne, The College Buildings, in *Perspectives of Chester College 150th Anniversary Essays: 1839-1989*, (Chester 1989) p.29

⁵ John L. Bradbury, *Chester College and the Training of Teachers*, (Chester 1975), p.221

⁶ Nicholas Pevsner and Edward Hubbard, *The Buildings of England: Cheshire*, (Penguin 1971), p.171

⁷ John L. Bradbury, *Chester College and the Training of Teachers*, (Chester 1975), p.106

⁸ *Ibid.* p.117

The 1960's saw the 'modernisation' of the Old College building, and much of the surrounding structures⁹; although little, if any, consideration was given to specific needs accessibility. This is an illustration of the changing attitude towards conservation *and* specific needs over the last 40 years. Seaborne wrote that within the Old College, '*the internal arrangements were altered to meet the needs of time, (whereas) externally, the alterations since about 1930 have almost wholly spoiled the architectural effect*'¹⁰. External alterations included, for example, the addition of concrete surrounds to windows on the Parkgate Road façade, the removal of stone mullions from the Principals House façade, and most visibly, the concrete entrance on the Cheyney Road façade, built in the 1960's¹¹. The architectural firm used for these renovations was the Design Group Partnership, the firm still used in planning applications today¹². Since the 11 December 1974, there have been 58 planning applications submitted to the council for work on the College grounds¹³. All but one of these (for slip road access on 7 May 1993) have been approved, and consequently the college site has seen almost continuous building work for the last 30 years. Of these 58 applications, only three (of which two are essentially the same) overtly mention renovations for the purposes of disabled access or improvements to facilities for disabled use. Two of these were dated 12 June 2001 and referred to alterations to the College Chapel. The other, and most recent application is clearer about it's intent, requesting permission for *Disabled WC's & access, handrails & ramps* (sic). None of the applications relate to audio/visual facilities such as hearing loops. In order to examine the College's attitude toward disabled access, it is necessary to investigate an application before the DDA 1995. Was any consideration given to disabled access issues and what effects did the renovations have on the architectural structure of the Old College building?

Planning applications 19106 (17 October 1988), 19107 (17 October 1988), and 19584 (13 December 2002) all refer to the '*extension of existing facilities to form*

⁹ Malcolm Seaborne, The College Buildings, in *Perspectives of Chester College 150th Anniversary Essays: 1839-1989*, (Chester 1989) p.44

¹⁰ *Ibid.* p.30

¹¹ *Ibid.* p.30

¹² For more information see: <http://www.marblearch.co.uk/listings/Design-Group-Partnership.htm>

¹³ All Planning applications are held at the Chester City Council Planning Department.

*Conference Centre*¹⁴. In practical terms this meant the construction of additional buildings around the frontage of the Principal's House and large scale internal alterations. The plans submitted originally were asked to be altered, and the revised plans submitted on 14 September 1988 were granted Listed Building Consent on 22 February 1989, subject to minor changes¹⁵. There are three salient points to mention about this application. Firstly, throughout the application there appeared to be little or no consideration for disabled access. If there had been any consideration, one would expect it to at least refer to the inaccessible steps leading up to the Principal's House (now Conference Centre). This is not surprising as it's merely an indication of the lack of disability discrimination legislation at the time. The second point to mention is that all of the council's suggested amendments to the plans refer to external rather than internal amendments. For example, the plans detail widespread changes to the internal structure of the Principals House including the removal of interior walls. This reflects the fact that in the legal terms of the Town & Country Planning (Listed Buildings & Buildings in Conservation Areas Act 1990, interior changes have little protection compared to external alterations¹⁶. Finally, the third point is that all of the councils suggested amendments to the external plans refer to changes '*in the interests of visual amenity*'¹⁷. For example, the brickwork and external finishes needed to be made available to the conservation officer for inspection, in the '*in the interests of visual amenity*'. Any alteration of Old College doors and windows needed to be made available to the conservation officer for inspection, '*in the interests of visual amenity*', as did the roof finish of the new building to match the existing Welsh slate¹⁸. What was interesting about the new constructions was that they were building over a building adjoining the Principal's Building, constructed at the same time as the Cheyney Road entrance. The conservation officer reported that '*this building* (i.e. the

¹⁴ Planning applications 19106 (17 October 1988), 19107 (17 October 1988), and 19584 (13 December 2002)

¹⁵ Throughout the planning applications there are discrepancies regarding dates, particularly in the chronological sequence of application, amendments and approval. Furthermore there are sometimes files repeating the same information. One can only assume that the dates of the planning applications refer to administrative, rather than actionable dates.

¹⁶ *Town & Country Planning (Listed Buildings & Buildings in Conservation Areas) Act 1990*, London: Stationary Office (1990)

¹⁷ More information on the aesthetic repair of features can be found in Christopher Brereton, *The Repair of Historic Buildings: Advice on Principles and Methods* (English Heritage 1995), p.5

¹⁸ Welsh Slate has been the most widely used roofing material in Chester since the eighteenth century. Thus the slate roof of the Old College building stands as an integral visual part of a particularly local aesthetic environment. Taken from *Chester's Heritage: Unlocking the secrets of England's Walled City* (Chester City Council).

new construction) *will in fact improve the setting of the main building by building over the existing single storey flat roofed building*'. Thus we can see the conservational difference between the concrete additions of the 1960's and the legislation governing external alterations in the late 1980's.

The planning application dated 28 July 2000 (00/537/LBC), further illustrates the internal/external alteration difference in conservation legislation¹⁹. The proposal, to add *'one additional window to the Old College building'*, was agreed subject to minor changes on 3 August 2000. Again *'in the interests of visual amenity'*, the *'proposed window and any other material to be used in the construction of the external surfaces hereby permitted shall match in colour and texture those used in the existing building'*²⁰. The conservation officer remarked upon the crucial point in the legislation, *'that (there will be) no detriment caused to either listed building or to the character and appearance of the conservation area'*²¹. Furthermore, in a reference to the internal alterations, mention is made in the application that *'(the) interior of the Old College building was refurbished in the 1960's and retains no original architectural features'*²². It is a telling statement, and similar to Seaborne's comment that *'there are very few parts of the old buildings now used for their original purpose'*²³. The unsaid assumption behind it is that within the Old College building, any internal alterations can be made as there is nothing to lose. It emphasises the 1960's as a low point in modern architectural conservation and highlights the emphasis of the current legislation on the aesthetic (see Fig. 1).

As mentioned earlier, the College Chapel, adjoining the Old College building, was designed and built by J. E. Gregan of Manchester in 1844-47. It was constructed of red sandstone and has a graded Westmoreland green slate roof. It is today, a grade II* listed building. Two planning applications (00/1481/LBC & 00/1616/FUL) dated 12 June 2001 requested permission to *'(add) new ramped access to the south door, remodel pews to suit wheelchair users, and (add) new entrance doors at the*

¹⁹ Planning Application Ref 00/537/LBC, Chester City Council Planning Office

²⁰ *Ibid.*

²¹ *Ibid.*

²² *Ibid.*

²³ Malcolm Seaborne, The College Buildings, in *Perspectives of Chester College 150th Anniversary Essays: 1839-1989*, (Chester 1989) p.46

chapel)²⁴. In terms of the Old College building, it was the first overt concession to disability access in its history. As mentioned, there were three main elements to the alterations. One was an internal modification, and two would affect the external character of the building. In the words of the planning application, *'the scheme re-uses the existing south entrance: overhauling the doors and providing a new disabled access ramp (constructed from existing materials to match existing)...and by remodelling the pews adjacent to the organ, the scheme ensures that the chapel is wheelchair accessible, and encourages disabled persons to be part of the congregation, without feeling obstructive or disadvantaged'*²⁵. The plans for these alterations were logged by the council on 17 November 2001, and on 20 December 2001 English Heritage confirmed that they had no problems with the plans. However, in an illustration of how an individual notion of value can affect a listed building, between 19 January 2001 and 7 March 2001 the application was stalled by a dispute over the original timber framed doors of the south entrance²⁶. The conservation officer had remarked that the loss of the timber framed doors was detrimental to the architectural character of the Chapel. In addition, it was requested that one of the planned handrails off the access ramp was to be omitted, and internally, a decorated screen to be moved was to be retained for future use. Although these additional amendments were agreed by the college, they responded regarding the timber doors. Their argument was that the south entrance had not been used for 'decades', and it was of fundamental importance and historical relevance to re-use this entrance. In order to do so, a draught lobby would have to be constructed, as would a disabled access ramp. There was no way of doing this, the College wrote, *'without removing the existing doors – due to the dimensions of ... wheelchair access'*²⁷. It was a classic example of conflict between disability discrimination and conservation policy and appeared a stalemate. It is perhaps a sign of the growing awareness in access policy that the council that gave ground. After agreeing that the removed doors were to be retained for future use, on 24 April 2001 the conservation officer agreed that the original plans were acceptable. However, by 12 September 2001 the college had submitted plans for working amendments, wherein the external timber doors would now be retained (see Fig. 2). There is unfortunately no record of the council's

²⁴ Planning Applications 00/1481/LBC & 00/1616/FUL, Chester City Council Planning Office

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ Planning Applications 00/1481/LBC & 00/1616/FUL, Chester City Council Planning Office

response (except the acceptance of the application), or whether the college were questioned. It seemed that now, there was indeed a way in which the dimensions of wheelchair access could be fitted to the retention of the timber doors. Had the College used disabled access concerns to promote the necessity of removing the timber doors? And had that argument now been dispensed with? If they were working amendments, does that not call into question the original planning application? Whatever the answers, the example illustrates the potential conflict between the conservation and continued re-use of listed buildings.



Fig. 2: The modern south entrance of the Old College Chapel, showing the access ramp and handrail, and the re-installed original timber doors..

Chapter 7

Case Study B: The Bluecoat School



Fig. 3: The Bluecoat School as seen from the City Walls. The building remains an integral feature of Chester's architectural and historical landscape.

The Bluecoat School, now used by several departments of University College Chester, was built in 1717¹. Unlike the other two case studies, the Bluecoat School was not originally used for the exact purposes it is used today, although it has remained an educational facility. Constructed of stone, with two projecting wings, Pevsner rather underwhelming described it as '*lame, (due to) the basket arches of the windows*'². It is currently listed as grade II*, is located within a conservation area, and plays a significant role in the landscape of the city of Chester. One indication of its status is its inclusion in the tourist guide leaflet *Walk around Chester Walls*³. Any visitor walking along the Northgate stretch of the walls cannot miss the building as it stands facing the east (see Fig 3). Further attention to the building is drawn by the 'Bridge of Sighs' spanning the canal, near which a plaque refers to the Bluecoat

¹ Richard Morriss and Ken Howard, *The Buildings of Chester*, (Sutton, 1993), p.83

² Nicholas Pevsner and Edward Hubbard, *The Buildings of England: Cheshire*, (Penguin, 1971), p.161

³ *Walk around Chester Walls* (Wordplay Publishing, 1998)

building. Thus to the casual visitor to Chester, the Bluecoat School building will form a part of their overall impression of the city and its environment. In its contribution to the heritage landscape of Chester the Bluecoat School's aesthetic value is clear. Historically, the site demonstrates re-use. Founded as a school, the site has also been a hospital, contained a chapel, served the City Council, and now acts as offices, lecture rooms and a library. These uses are associated with periods within the chronological history of Chester and forms links with the surrounding environment (for example, the Bridge of Sighs led the city jail)⁴. Due to its location and history, there is an archaeological aspect to the building. Nearby is part of the original Roman wall, as the site is located near to the northern gate of the Roman fortification. Socially, the building hosts events for the local population, including lectures and workshops. In that sense it is a working community building, in recent years much of the costumes and materials for the Chester Mystery Play parade was located in one of the back rooms. It was an apt choice to be used as the base for the History department of University College Chester. The building is old (over 300 years), has interesting architectural features (such as the statue of the boy), and has historical and archaeological depth and weight, added to its modern cultural and social significance. It also has a variety of access problems that need to be addressed, despite various applications for alteration. Since 1987, there have been 8 planning applications made to the council for renovations and amendments to the structure⁵. All have been approved. Two of these makes overt reference to disabled access, application 22205 dated 20 November 1990, and application 02/1519/LBC dated 10 December 2002. This is almost contemporary with the amendments to the Old College Principal's House, but at that time the Bluecoat School was not under the auspices of Chester College. This application shows the difficulty in making alterations to the significant fabric of such an important building.

The alterations for disabled use proposed in May 1990 consisted of two elements⁶. The first was to cut and reduce the step into the courtyard and relay the York stones to provide a tapered ramp for disabled visitors⁷. No mention was made of

⁴ *Chester's Heritage: Unlocking the secrets of England's Walled City* (Chester City Council)

⁵ Planning Applications LI6903, 22205, 24925L, 94/1374/LBC, 96/661/LBC, 96/1363/LBC, 02/1519/LBC and 02/1938/LBC, Chester City Council Planning Office

⁶ Planning Application 22205, Chester City Council Planning Office

⁷ *Ibid.*

a ramp or facility enabling visitors to access the front entrance of the building. Perhaps it was thought that this would be denied due to its detrimental appearance on the frontage of the Bluecoat. Instead, the second element of the application requested permission for a wheelchair stairway lift to the north wing, with two galvanised rails '*painted to match existing décor*'. The mechanism was to be located within the building (thus preserving the outside appearance). There were also minor alterations to disabled toilet facilities within the building. There were no objections to the plan and they were agreed on 20 November 1990, although there was a slight problem with the disabled toilet. The Principal Building Control Manager noted that while the internal changes to the toilet were well designed, the doorway was still 100mm narrower than the standard 900mm width for disabled toilet doors⁸. Despite planning permission being granted, the second element of the wheelchair lift was never constructed, leaving the first element, the sloping ramp, in a large measure redundant. Although giving access above street level to the courtyard, the lift was imperative to grant access to the building. There is no record in the Chester City Council files to indicate why the lift wasn't constructed, what is certain is that there were no complaints logged or problems identified that made the lift unviable. In fact, there appeared to be much more problems in granting UCC the Chapel access ramp. A significant problem with the lack of physical accessibility to Bluecoat School, and to the college in general, was that it does not take into account the short term as well as long term (i.e. over 12 months) disability as defined by the DDA. It is all very well to begin an academic year without any wheelchair users, and thus teach groups within the Bluecoat School, but it does not account for accidents. Recent alterations have involved the construction of an archaeological centre on the first floor, although anyone with limited mobility would have great difficulty accessing it. Although there are contingency plans available if a student requires a wheelchair for a short time, these plans are purely reactive. It would appear that the entire culture of University College Chester, and consequently the conservational approach to the Bluecoat School, is one of reaction. It is a culture whereby problems are there to be sorted out after the event, rather than one in which problems are avoided in the first place. The current lack of weight behind the discrimination legislation has led to accessibility being put on the same level as contingency plans for Foot and Mouth Disease or a

⁸ Planning Application 22205, Chester City Council Planning Office

petrol strike. On a subconscious level, a disabled student is therefore placed within a negative context and has the status of a '*problem*' to be fixed.

On the 26 February 1992, permission was sought for '*internal work to sub-divide large rooms attendant with fire regulations, provide additional WC to 1 & 2 Canal St, install heating, electrical improvement and damp proofing, and general internal refurbishment work*'⁹. As in all applications relevant to the Bluecoat School, consideration had to be given to the Listed Building Status, the Conservation Area, and also the fact that the area is one of archaeological importance. The council approved the application on 6 August 1992 and permission from the Secretary of State followed on 15 December¹⁰. However, there were problems with the disabled access provision that held up the application, and necessitated additional plans to be provided. A letter to the council from the Chester Access & Mobility Group, dated 13 March, mentioned the following:

*'Ref: PN 24925L – Internal Works at the Bluecoat School. This is a Chester City Council building being used for training. It is completely inaccessible in it's present design, even though surprisingly they have put in a disabled toilet which you have to get up numerous steps to get to. Could this be looked at again?'*¹¹

This complaint harks back to the renovations in 1990. As mentioned, inclusion of the lift ramp would have made much of the lower floor physically accessible. The council responded with a request for more information on internal doors, ceilings, partitions and skirtings, but did not follow up the issue of disabled access. New plans submitted in August 1992 were accepted, but a closer inspection shows some surprising omissions. It had been originally planned to separate the section inside the main south wing entrance from the rest of the offices, until the fire officer required that access needed to be available throughout the building. The amended plan can be seen as plan B in Appendix B¹². One can see that although internal level access was now available throughout the ground floor, access to the exterior of the building was

⁹ Planning Application Ref 24925L, Chester City Council Planning Office

¹⁰ *Ibid.*

¹¹ Planning Application Ref 24925L, Chester City Council Planning Office

¹² Plan reproduced from Drawing No. P6413/03, Planning Application Ref 24925L, Chester City Council Planning Office.

still only available via stepped entrances/exits. It is perhaps significant that the work precedes the DDA of 1995.

By 1996 the Bluecoat School had been offered to University College Chester and the south wing of the ground floor and entire first floor were to be used by the History Department. A planning application went into the council dated 21 September 1996¹³ for permission to make '*internal structural alterations and erection of non-load bearing partitions*'. As all of the alterations were internal, and like the Old College, little if anything remained of the original architecture, permission was granted and work proceeded. If this was an opportunity to improve access to the building it was missed. In fact, incredibly, the work succeeded in making the building even *less* physically accessible. The DDA had of course come into operation by now, but as I have mentioned, UCC found itself exempt under Part 3 of the Act. Thus there was no requirement to either improve access, or at least retain the level access the ground floor had to offer. It should be remembered that permission to install a lift had been granted six years previously, but had since passed the five year limit on starting work granted in that permission¹⁴. The plan of the 1996 alterations can be seen as Plan C in Appendix B¹⁵. The North Wing of the building remained largely unaltered, but in the South Wing, two alterations further complicated the access issue. The addition of steps leading from the reception area to the main staircase (see Fig 4), and the blocking off of the reception area to the large room and disabled toilet beyond, made manoeuvring around the ground floor difficult for the visually impaired, and impossible for wheelchair users. The first floor saw the construction of a meandering corridor with narrow doorframes and a single step half way along. Despite other expensive renovations¹⁶, to date this remains the floor layout of the Bluecoat School.

¹³ Planning Application Ref 96/661/LBC, Chester City Council Planning Office

¹⁴ Planning Application Ref 22205, Chester City Council Planning Office

¹⁵ Plan reproduced from Drawing No. 1425/002, University College Chester.

¹⁶ Planning application 02/1938/LBC dated 24 March 2003 requested permission to insert a '*new mezzanine floor to provide additional teaching accommodation*'. The new accommodation remains inaccessible. Perhaps the money may have been better served undoing the damage done by the 1996 renovations.



Fig. 4: A view of the relatively inaccessible stairs and door leading to the ground floor staircase of the Bluecoat School.

With the advent of SENDA in 2001 and the requirements, the planning application 02/1519/LBC dated 10 December 2002 shows an interesting shift in the approach employed by UCC in providing disabled access to its customers and staff¹⁷. The permission was for the basement under the south wing of the school and requested permission for '*renovation of (the) basement to provide IT centre & disabled access (1 & 2 Canal St.)*'. Again, as in all other applications, permission had to be sought from the Bluecoat Trustees and the City Archaeologist, particularly as the work required digging under street level. In fact the full list those consulted for the work is as follows:

Chester City Council Access Officer
 Chester City Council Archaeologist
 Chester City Council Conservation Officer
 English Heritage
 Ancient Monument Society
 Council for British Archaeology

¹⁷ Planning Application Ref 02/1519/LBC, Chester City Council Planning Office

Society for the Protection of Ancient Buildings
Georgian Group
Victorian Society
+ no objections raised by the Secretary of State

Planning permission was granted on the 10 December 2002, subject to a watching archaeological brief and conformation that the windows were to be restored to the same visual condition¹⁸. Indeed, it was noted that '*by bringing the basement into use it will enhance the Listed Building and the character and appearance of the Conservation Area*'¹⁹. In other words, building conservation and disability access were not mutually exclusive, but were actually complementary. This is a crucial point, for the Bluecoat School has increased its social value (and enhanced its public perception) through a consensual conservational/accessibility approach. Again though this has come as a *consequence* of renovation, rather than as a proactive decision to improve the building. The success of these renovations should encourage UCC to proactively engage in an accessibility policy for the entire building (and College), using the consent of the previous renovations to their advantage. To date, no more applications have been made to the council. The Bluecoat School as an example of a building where accessibility can (and must) play a key part in its life. It has consistently been reused and renovated throughout its history, so much so that the internal structure is as different to the original as chalk is from cheese. The focus on the external assumes that the aesthetic is the primary factor in ascribing value, when I have shown that it is but one small part. The council implicitly acknowledged this by saying that the re-use of the basement *improved* its character. It is a building that externally, is literally stuck in the past, and constricted by the economics, and reactive mindset of its present caretakers.

¹⁸ Planning Application Ref 02/1519/LBC, Chester City Council Planning Office

¹⁹ *Ibid.*

Chapter 8

Case Study C: The Grosvenor Museum, Chester



Fig. 5: A view of the re-modelled main entrance of the Grosvenor Museum. One can clearly see the access lift, although it was unfortunately out of order when the picture was taken!

In 1873, the 1st Duke of Westminster donated a plot of land located in Grosvenor Street, Chester, in order to construct a new museum¹. The new museum was the result of a combined effort by the Chester Society for Natural Science, the Chester Archaeological Society and the Schools of Science and Art, and was to house these group's collections². Designed and built in 1885 as a public building by Thomas Lockwood of Chester, the museum opened to the public on 9th August 1886³. A major extension was added to the museum in 1894⁴. In 1915, the City of Council took over control of the administration of the building and in 1989, the museum came under the new Leisure Services section of the City Council as part of Chester Museums⁵. According to the guide book and website, '*major structural*

¹ Information obtained from the Chester City Council Grosvenor Museum Website: <http://www.chestercc.gov.uk/heritage/museum/galleries/museumhistory.html>

² *Ibid.*

³ Nicholas Pevsner and Edward Hubbard, *The Buildings of England: Cheshire*, (Penguin 1971), p.159

⁴ *Grosvenor Museum Heritage Lottery Ground Floor Access Scheme: Report 1*, Chester City Council, April 2001, p.4

⁵ *Ibid.*

work,' was done on the building in 1990 to '*refurbish all the public areas*'⁶, although there is no correlation with this date to any council planning applications⁷. The museum reopened in 2000, following building work for which there *are* planning records. This work followed a lengthy consultative process regarding disabled access to the site and provided '*full ground floor access for all visitors for the first time in its long and varied history*'⁸.

The current Grosvenor Museum is a grade II listed building, and is situated within a conservation area. The 1998 ground floor access scheme of the Grosvenor Museum is an exemplar of a proactive approach to access. The scheme was described in the April 2001 report entitled '*Grosvenor Museum: Heritage Lottery Ground Floor Access Scheme*'⁹. There were two separate planning applications submitted for the work, both dated the 7th September 1998¹⁰. One (98/640/FUL) requested permission for '*Adaptions (sic) to improve facilities for people with disabilities including alterations to main entrance, internal alterations, conservatory at rear and improved gateway to Bridge Street*'¹¹. The other (98/642/LBC) requested permission for '*adaptions (sic) to improve facilities for people with disabilities, including alterations*'¹². Both then were alterations to explicitly improve disabled access. According to the April 2001 report, the whole scheme cost over £500,000, with building work taking place between January and August 2000, and the museum was officially reopened on 23rd November 2000¹³. In the words of the report '*the Ground Floor Access Scheme is viewed by the Council as a role model of how improved access can be achieved in difficult/historically sensitive environments, using a mixture of physical and technological solutions*'¹⁴. The report importantly acknowledges that access is defined not just in terms of physical access, but by a wider range of specific

⁶ *Ibid.*

⁷ Between 1980 and 1998 there is only one planning application recorded for the Grosvenor Museum. This dates from the 12 March 1991 and was for the erection of a '*non-illuminated sign*'. Planning Application Ref. 23514.

⁸ Information obtained from the Chester City Council Grosvenor Museum Website: <http://www.chestercc.gov.uk/heritage/museum/galleries/museumhistory.html>

⁹ *Grosvenor Museum Heritage Lottery Ground Floor Access Scheme: Report 1*, Chester City Council, April 2001

¹⁰ Planning Application References 98/640/FUL & 98/642/LBC, Chester City Council Planning Office

¹¹ Planning Application Ref. 98/640/FUL, Chester City Council Planning Office

¹² Planning Application Ref. 98/642/LBC, Chester City Council Planning Office

¹³ *Grosvenor Museum Heritage Lottery Ground Floor Access Scheme: Report 1*, Chester City Council, April 2001

¹⁴ *Ibid.* p.2

needs. Crucially, and unlike Chester College and the Bluecoat School, the Council developed the scheme with significant input from key stakeholders, notably the Chester Access Group and the Chester Young Disabled People Project. This was not just a consultative measure; the report acknowledges that these partnerships “*helped secure funding for the scheme via applications to bodies such as the Ursula Keyes Trust¹⁵,*” and furthermore was “*certainly a key factor in successful funding negotiations*”¹⁶.



Fig. 6: A view of the access lift leading to the shop and Bunce St entrance/exit.

The alterations made to the building show a good example of both physical alterations, and ‘virtual’ alterations where the cost was prohibitive. Improvements, detailed in both the 2001 report and 1998 planning applications were as follows:

Physical Access

- Remodelled Grosvenor Street entrance including steps, handrails and lift (see Fig 5).
- Lifts at rear of Entrance Hall and Conservatory (see Fig 6)

¹⁵ *Ibid.* p.3

¹⁶ *Ibid.*

- Automatic Doors at both original entrances
- Rear platform area in Lecture Theatre
- Accessible toilet
- New Entrance/Exit of Bunce Street (see Fig 7)
- Plus the inclusion of evacuation chairs and a wheelchair.

In an interesting fusion of accessibility and commercial interest, the Conservatory lift and rear automatic door provide access to the museum shop, acting as an entrance and exit for the museum. This highlights the shop as an important part of the museum 'experience', and further shows the commercial aspects of the heritage industry. As a map of the museum dating from around the late 1990's (before the Ground Floor Access Scheme) shows (see Plan D in Appendix B¹⁷), the shop was originally located next to the main entrance. This was the only accessible entrance at the time, and the shop was moved to its present location *after* accessibility was extended to the rear of the building. Thus, in keeping with many other historic sites, the museum shop has become an integral part of the visitor's experience. The rear exit off Bunce Street is particularly significant, as its construction highlights an aspect of the listed building conservation legislation. Due to the listed building restrictions placed on the Grosvenor Museum regarding alteration to the fabric of its frontage, the lift was required to be fully contained within the entrance hall. The fact that the access steps lay off the street was highly significant, as it would have been much more difficult to obtain permission for alterations to them. However, the size of the entrance hall restricted the size of the lift contained within it, which meant that '*the largest size of motorised wheel chair might not fit in the lift at the Grosvenor entrance*'¹⁸. In this case the inclusion of a larger entrance to the rear of the building solved the problem, and allowed creation of an access route through the museum for most wheelchair users (including the shop of course!). Contrast this with the steps leading to the Conference Centre of the Old College building, which are inaccessible to wheelchair users.

¹⁷ Plan reproduced from *The Grosvenor Museum, Chester: A Souvenir Guide*, Beric Tempest (1997)

¹⁸ *Grosvenor Museum Heritage Lottery Ground Floor Access Scheme: Report 1*, Chester City Council, April 2001, p.4

From examination of the planning applications, it becomes clear that consideration for the aesthetical and historical value of the building was paramount during the planning stage. For example, in the application 98/640/FUL, a sample of stone to be used in the steps and paved areas was required for submission. This, in common with both the Old College and Bluecoat school, was ‘*to protect the character of the listed building*’ and was ‘*in the interest of visual amenity*’¹⁹. In all three of the buildings, the aesthetic view was paramount. If the architects could show that the amendments blended with the historic nature of the building, the planning applications were approved. Thus, a reconstruction of the past was an acceptable amendment, reusing materials were possible. As with the Old College Chapel, the most controversial aspects of the project were the entrance/exits of the building. In the case of the Grosvenor Museum, both the amendments to the main entrance and the alterations to the rear (Bunce St) entrance were challenged. This highlights the effect the entrance to buildings has on the public perception of the building. In the case of the front entrance, again similar to the College Chapel, the problems focussed on the original doors. In this case the wrought iron gates were the focus of an angry letter denouncing the desecration of the building. The response was to ensure that the gates were to be modified and reused in situ, and that again ‘*all materials (were) designed to match or harmonise with the existing building*’. Examples of materials retained and reused during the building process, both internally and externally, were timber denfilled mouldings and mosaic tesserae. In the case of the mosaic tesserae, a floor mosaic disrupted by the alterations to the main entrance was removed and re-laid internally.

When the funding of the project is examined, it certainly highlights the financial benefits of such a proactive approach. Table 1 shows the breakdown of funding for the project, and the funding bodies involved.

¹⁹ Planning Application Ref. 98/640/FUL, Chester City Council Planning Office

Table 1: Funding of the Grosvenor Museum Scheme²⁰

| Funding Body | Amount Given (£) |
|--|-------------------------|
| Heritage Lottery Fund | 299,000 |
| Chester City Council (Capital Challenge & Revenue Budgets) | 58,100 |
| North West Museums Service | 15,000 |
| LODIS ²¹ | 14,000 |
| Ursula Keys Trust | 10,000 |
| Lord Leverhulme | 10,000 |
| Railtrack Adapt Awards | 3,412 |
| Granada Foundation | 5,000 |
| Westminster Foundation | 2,000 |
| Grosvenor Museum Society | 2,000 |
| Anonymous Donation | 1,500 |
| Total | 420012 |

Notwithstanding the fact that the total donations come to somewhat less than the purported cost of the project (£539900) from the figures above it is clear that the majority (86.2% by the above table) of the funding for the project came from a total of 10 different funding bodies other than Chester City Council. If one accepts that the proactive approach served to attract much of this funding, one can only conclude that a proactive approach is a financially beneficial approach. It is clear that if the council had had to fund the project alone, it would have almost certainly been impossible to achieve the extent of alterations sought. In some respects this can be viewed as a chicken and egg scenario. Does a proactive approach result in more funding, or does the lure of funding make a proactive approach highly desirable. In the case of the Grosvenor Museum, the report acknowledges that both are equally valuable. It is also likely that the implications of the DDA in 1995 had an impact on the museums requirement to address disabled access²². After all, the planning applications previous

²⁰ *Grosvenor Museum Heritage Lottery Ground Floor Access Scheme: Report 1*, Chester City Council, April 2001, p.12

²¹ Local Distinctiveness Project – European Regional Development Fund

²² Heather Falconer, 'Opening Act', *Museums Journal*, February 1999, p.15

to 1998 make little effort to address specific needs. There is however a small problem with external funding that became relevant to the building work. Any delay in obtaining permission for alteration by English Heritage could have a significant effect. This delay could lead, in the words of the council, to a *‘major claim for delay from the contractors, (leading to) massive underspend with a potential loss of lottery funding’*²³. A reliance on bids and funding must take into account any timescale problems associated with historic building consent. This problem also highlights a procedural problem with planning applications. In many cases it operates on a ‘no news is good news’ tactic. Often because so many organisations will need to be consulted (see the list in chapter 7), the council appears to have taken the view that if there are no explicit objections, it can be taken as an endorsement. The problem with this approach arises when, as mentioned above, external bodies are slow in their response, leading to delays and the inevitable funding difficulties.



Fig. 7: A view of the Bunce St entrance/exit to the Grosvenor Museum. One can clearly see the level access to the shop (and therefore the access lifts beyond).

As well as the funding benefits of taking a proactive approach, there are also potential financial benefits after the work has been completed. The report describes these as the ‘access dividend’. The report states that visitor numbers had been up by

²³ Planning Application Ref. 98/640/FUL, Chester City Council Planning Office

30% since the reopening of the museum, with five times as many disabled visitors²⁴. This had manifested itself financially in a rise in shop income. Improving physical access for the disabled meant that parents with buggies and prams could use the museum, as well as staff members who would otherwise have had to leave employment. Importantly, the alterations have increased public awareness of Grosvenor Museum, and also enhanced the museums local and national image. In an academic context, these benefits could be translated in terms of recruitment and an improved local image. The question for Chester College (including the Bluecoat School) is whether these benefits could be achieved in the absence of significant funding to help improve facilities for disabled staff and students.

²⁴ *Grosvenor Museum Heritage Lottery Ground Floor Access Scheme: Report 1*, Chester City Council, April 2001, p.8

Chapter 9

Conclusion

In conclusion, I hope to have demonstrated that an examination of issues surrounding the use/re-use of historic buildings and the questions raised more specifically surrounding disabled access, particularly in buildings used in an educational context, is essentially an examination of conflict and consensus. In chapter two, I demonstrated that the re-use of historic sites is dependent on a value being assigned to that property. That value can be a subtle and complex combination of several factors, which can sometimes be only partly due to the historical or archaeological importance of the site. Indeed, in some cases it is only the ghost of historical value that defines the site. The twin forces that shape an individual's perception of an historic building are those of idealism and imagination. Any one person will look upon a building and create an image of it's value, sometimes well out of step with the reality of the historical or architectural features associated with building. This value will then be coupled with an individual's idealism to create a passionate belief in the conservation (generally unchanged) of the site. A society's perception of a site is shaped by the ideology of the local population, the nation's perception shaped by the collective will of the populace. The highly subjective nature of value can be typified by a brief look at the city of Chester. In the words of Pevsner, '*in the popular view Chester is the English medieval city "par excellence"*'¹. But as any investigation will show, Chester is demonstrably not a medieval city, but a Victorian city. The walls, the rows, the cathedral and 95% of the black and white shopping facades are 19th century². Chester is, in short, a sleight of hand, much like the 'new' House of Commons. However, in the eyes of the local populace, that doesn't really matter as the perception of history is in effect more important than the reality. After all, a realistic historic Chester would include pollution and sewage in the streets, not exactly conducive to family shopping. Furthermore, Chester is an example of the continuous use of a historic site, namely the original site of a Roman fortress³. If we take that this date marks the beginning of human history on this site, then we

¹ Nicholas Pevsner and Edward Hubbard, *The Buildings of England: Cheshire*, (Penguin 1971), p.130

² *Ibid.* p.102

³ *Ibid.* p.133

can justifiably claim that the site has been in a continuous state of re-use and development. While it is obvious that today's Chester bears no comparison to that first settlement, the fact that it also bears no visible trace must call in question the concept of continuous use. In the TV comedy, *Only Fools and Horses*, the character Trigger remarked that his sweepers broom had been in continuous use for 30 years, despite having had several different handles and brushes⁴. In that sense, at what point in a site's development does it lose the character of its past? In addition, Chester's buildings have created a landscape in which the local society has developed. Thus the society inhabiting the landscape may have values shaped by the landscape itself, as Churchill remarked '*We shape our buildings, and afterwards our buildings shape us*'⁵. This can manifest itself in a wave of public opinion to prevent alterations to buildings that have themselves been consistently altered throughout their history.

In chapter three I showed that government has had to create a legislative framework based in practicality to counterbalance the emotive perceptions of individuals. This is not an altruistic gesture, governments are necessarily populist but must also be seen to be creating a fair society for all of its citizens. Thus the framework needs to be accountable and flexible, and above all take into account local considerations. This can be seen as trying to balance objectivity and subjectivity, practicality and theory, and reality and fantasy. Despite this, the perception remains one of imbalance. It appears that the government have acknowledged that public opinion believes that conservation is quite a remote issue, with decisions made by politicians in London dependant on financial issues. This has led to recent suggested changes to the conservation system, based on a devolving of decision making to local authorities and associated organisations. I have shown that despite positive statements of intent, the alteration and reuse of buildings is still very much dependent on economic factors. There just isn't enough money available to conserve all (or even the minority) of Britain's heritage. However, the recent increase in funding availability, coupled with a general rise of interest in the historic environment has meant that government can advocate a policy towards 'self-supporting' sites. For example, to get Heritage Lottery funding a site must demonstrate a 'dividend', and that any changes will result in financial, social or cultural benefits to the local

⁴ Richard Webber and John Sullivan, *The Complete A-Z of Only Fools & Horses* (Orion 2002), p.207

⁵ Jeremy Paxman, *The Political Animal*, (Penguin 2003) p.104

population and the country at large. This has been described as unlocking the potential of Britain's heritage and has significant implications for the tourist industry and general economy. The main problem with this policy is that it could result in localised, tourist based attractions, selected on the basis of commercial attractiveness rather than historical or cultural importance. In chapter four I discussed how the relatively recent rise in the concept of social inclusion has manifested itself in the notion of equality for all. I focused on the implications of this cultural change in terms of disability access to the historic environment. The introduction of discrimination legislation has brought conflict with the existing conservation framework. The DDA of 1995 has brought specific needs accessibility issues into the conservation remit, but the relative weakness of the legislation has meant that conservation issues have had the upper hand. The main benefit of the DDA has been to create a benchmark for organisations and institutions (if they wish) to form a proactive policy toward their historic buildings. Accessibility has become a stronger consideration in recent years, due in part to stricter legislation (including European law), and because institutions have recognised that a major help in attracting funding is to demonstrate a commitment to inclusion and access. Furthermore, accessibility can help to financially sustain a building once adapted.

In chapter five I discussed how, in certain circumstances, accessibility issues play a more prominent role than usual. In these cases, accessibility (particularly in a specific needs context) is viewed as essential to the majority of stakeholders and can balance out or even outweigh any conservation considerations. These situations tend to be where the service the building provides is of national importance, such as health or education. In educational institutions this is even more prominent due to the strengthening of the discrimination legislation through SENDA in 2001. Although this had the same vagueness of language as the DDA, it did at least compensate for deficiencies regarding education in the 1995 Act. The three case studies illustrated access approaches for historic buildings in an educational context. How had these buildings approached the changing issues surrounding accessibility? Had they taken a proactive or reactive approach? Which has more potential for future benefits, and which are in danger of legislative attack? Which has been the most successful approach in terms of accessibility, historical reuse and educational function? In the case of the Old College Building of University College Chester, I described a building

managed from its inception with little regard to accessibility. Despite having periodic renovations, including entire restructuring of the internal decoration, and significant changes to the outside, specific needs accessibility has not entered the planning stages until very recently. The Old College building shows the difference between the management of historic buildings today, and management in the 1960's, where the interests of visual amenity did not have the same currency they have today. In recent years there have been some alterations, but these tend to highlight the aesthetic nature of conservational legislation. Alterations have only been given an accessibility focus since SENDA in 2001, but management remains a reactive process. The Bluecoat School, despite also being managed by UCC, has had a slightly longer record in attempting to provide accessibility. However, few alterations have actually been made, and like the Old College, significant alterations have only been made in the last year. This reflects a similarly reactive management. In terms of funding, both of these buildings are financed through the College. This has certainly influenced the reactive (and cheaper) policy, as alterations only seem to be proposed *when* issues arise rather than *before*. What is interesting though is that both buildings, by bringing entrances and areas into accessible use, have been commended for enhancing rather than detracting the local environment. As UCC markets itself through its historic image, it should be clear that an accessible environment would bring significant recruitment and marketing benefits. However, the outlay required appears to be prohibitive in engendering wide scale alteration. Perhaps only a clear testing of the discrimination legislation would force a change from their reactive policy⁶. The third case study, the Grosvenor Museum, employs a proactive policy, and is a clear example of the benefits of doing so. A managed access plan, assisted by disabled stakeholders, resulted in significant funding and the possibility of a self-supporting, accessible, public education attraction. It is true that under the DDA, the museum was obliged to look at specific needs accessibility, but the approach seems to have reaped real rewards. When comparing the three buildings, it is interesting to see that the Grosvenor Museum is the one with the soundest economic future. The other two will need significant amounts of money (and will) to make them fully accessible. The Grosvenor Museum is also the building least likely to come under legislative attack.

⁶ As described in Gordon Allan, 'Minimum Standards or Maximum Accessibility', *Access by Design*, Issue 90

To conclude, rather than being mutually exclusive, conservation and specific needs accessibility can and should be viewed as mutually viable options for historic buildings. The legislation should be viewed as engendering an approach rich in rewards, both socially and financially. Furthermore, this fusion can actually enhance the building by bringing previously underused areas back into use, thus keeping the building alive. As the discrimination legislation gets stronger, there is a fear that inaccessible buildings will prove eventually to be too costly to renovate, leading to their preservation in stasis as relics of the past rather than buildings of the future. The Russian poet Vladimir Kirrillov, a member of the early twentieth century Proletarian Culture movement (Proletkult), wrote that;

*“In the name of tomorrow we will burn Raphael
Destroy the museum, and trample over Art”⁷*

Let us hope that the future of heritage management will be less about radical change, and more about the holistic sentiments in the following extract from T.S Eliot’s Four Quartets, which has been described as the heritage interpreter’s guide⁸.

*“Time present and time past
Are both perhaps present in time future,
And time future contained in time past”⁹*

⁷ Orlando Figes, *Natasha’s Dance: A Cultural History of Russia* (Penguin, 2002) pp. 504-505

⁸ John Carr, Whose Heritage is it Anyway?, *Interpretation Journal*, 47 (1991), p.3

⁹ *Ibid.*

Appendix A: Extracts from Relevant Legislation

Disability Discrimination Act 1995 (c. 50)

PART I

DISABILITY

Meaning of
"disability" and
"disabled
person".

1. - (1) Subject to the provisions of Schedule 1, a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a substantial and long-term adverse effect on his ability to carry out normal day-to-day activities.

(2) In this Act "disabled person" means a person who has a disability.

Past disabilities.

2. - (1) The provisions of this Part and Parts II and III apply in relation to a person who has had a disability as they apply in relation to a person who has that disability.

(2) Those provisions are subject to the modifications made by Schedule 2.

(3) Any regulations or order made under this Act may include provision with respect to persons who have had a disability.

(4) In any proceedings under Part II or Part III of this Act, the question whether a person had a disability at a particular time ("the relevant time") shall be determined, for the purposes of this section, as if the provisions of, or made under, this Act in force when the act complained of was done had been in force at the relevant time.

(5) The relevant time may be a time before the passing of this Act.

Guidance.

3. - (1) The Secretary of State may issue guidance about the matters to be taken into account in determining-

(a) whether an impairment has a substantial adverse effect on a person's ability to carry out normal day-to-day activities; or

(b) whether such an impairment has a long-term effect.

(2) The guidance may, among other things, give examples of-

(a) effects which it would be reasonable, in relation to particular activities, to regard for purposes of this Act as substantial adverse effects;

(b) effects which it would not be reasonable, in relation to particular activities, to regard for such purposes as substantial adverse effects;

(c) substantial adverse effects which it would be reasonable to regard, for such purposes, as long-term;

(d) substantial adverse effects which it would not be reasonable to regard, for such purposes, as long-term.

(3) A tribunal or court determining, for any purpose of this Act, whether an impairment has a substantial and long-term adverse effect on a person's ability to carry out normal day-to-day activities, shall take into account any guidance

which appears to it to be relevant.

(4) In preparing a draft of any guidance, the Secretary of State shall consult such persons as he considers appropriate.

(5) Where the Secretary of State proposes to issue any guidance, he shall publish a draft of it, consider any representations that are made to him about the draft and, if he thinks it appropriate, modify his proposals in the light of any of those representations.

(6) If the Secretary of State decides to proceed with any proposed guidance, he shall lay a draft of it before each House of Parliament.

(7) If, within the 40-day period, either House resolves not to approve the draft, the Secretary of State shall take no further steps in relation to the proposed guidance.

(8) If no such resolution is made within the 40-day period, the Secretary of State shall issue the guidance in the form of his draft.

(9) The guidance shall come into force on such date as the Secretary of State may appoint by order.

(10) Subsection (7) does not prevent a new draft of the proposed guidance from being laid before Parliament.

(11) The Secretary of State may-

(a) from time to time revise the whole or part of any guidance and re-issue it;

(b) by order revoke any guidance.

(12) In this section-

"40-day period", in relation to the draft of any proposed guidance, means-

(a) if the draft is laid before one House on a day later than the day on which it is laid before the other House, the period of 40 days beginning with the later of the two days, and

(b) in any other case, the period of 40 days beginning with the day on which the draft is laid before each House,

no account being taken of any period during which Parliament is dissolved or prorogued or during which both Houses are adjourned for more than 4 days; and

"guidance" means guidance issued by the Secretary of State under this section and includes guidance which has been revised and re-issued.

Disability Discrimination Act 1995 (c. 50)

PART IV

EDUCATION

Education of disabled persons. **29.** - (1) In section 161(5) of the Education Act 1993 (information relating to pupils with special educational needs to be included in annual report), omit the words from "and in this subsection" to the end.

(2) After section 161(5) of that Act insert-

"(6) The annual report for each county, voluntary or grant-maintained school shall include a report containing information as to-

- (a) the arrangements for the admission of disabled pupils;
- (b) the steps taken to prevent disabled pupils from being treated less favourably than other pupils; and
- (c) the facilities provided to assist access to the school by disabled pupils.

(7) In this section-

"annual report" means the report prepared under the articles of government for the school in accordance with section 30 of the Education (No. 2) Act 1986 or, as the case may be, paragraph 8 of Schedule 6 to this Act; and

"disabled pupils" means pupils who are disabled persons for the purposes of the Disability Discrimination Act 1995."

(3) In section 1 of the Education Act 1994 (establishment of the Teacher Training Agency) add, at the end-

"(4) In exercising their functions, the Teacher Training Agency shall have regard to the requirements of persons who are disabled persons for the purposes of the Disability Discrimination Act 1995."

Further and higher education of disabled persons. 1992 c.13. **30.** - (1) The Further and Higher Education Act 1992 is amended as set out in subsections (2) to (6).

(2) In section 5 (administration of funds by further education funding councils), in subsection (6)(b), after "may" insert ", subject to subsection (7A) below,".

(3) After section 5(7) insert-

"(7A) Without prejudice to the power to impose conditions given by subsection (6)(b) above, the conditions subject to which a council gives financial support under this section to the governing body of an institution within the further education sector-

- (a) shall require the governing body to publish disability statements at such intervals as may be prescribed; and
- (b) may include conditions relating to the provision made, or to be made, by the institution with respect to disabled

persons.

(7B) For the purposes of subsection (7A) above-

"disability statement" means a statement containing information of a prescribed description about the provision of facilities for education made by the institution in respect of disabled persons;

"disabled persons" means persons who are disabled persons for the purposes of the Disability Discrimination Act 1995; and

"prescribed" means prescribed by regulations."

(4) In section 8 (supplementary functions) add, at the end-

"(6) As soon as is reasonably practicable after the end of its financial year, each council shall make a written report to the Secretary of State on-

(a) the progress made during the year to which the report relates in the provision of further education for disabled students in their area; and

(b) their plans for the future provision of further education for disabled students in their area.

(7) In subsection (6) above-

"disabled students" means students who are disabled persons for the purposes of the Disability Discrimination Act 1995; and

"financial year" means the period of twelve months ending with 31st March 1997 and each successive period of twelve months."

(5) In section 62 (establishment of higher education funding councils), after subsection (7) insert-

"(7A) In exercising their functions, each council shall have regard to the requirements of disabled persons.

(7B) In subsection (7A) "disabled persons" means persons who are disabled persons for the purposes of the Disability Discrimination Act 1995."

(6) In section 65 (administration of funds by higher education funding councils), after subsection (4) insert-

"(4A) Without prejudice to the power to impose conditions given by subsection (3) above, the conditions subject to which a council makes grants, loans or other payments under this section to the governing body of a higher education institution shall require the governing body to publish disability statements at such intervals as may be specified.

(4B) For the purposes of subsection (4A) above-

"disability statement" means a statement containing

information of a specified description about the provision of facilities for education and research made by the institution in respect of persons who are disabled persons for the purposes of the Disability Discrimination Act 1995; and "specified" means specified in the conditions subject to which grants, loans or other payments are made by a council under this section."

(7) The Education Act 1944 is amended as set out in subsections (8) and (9).

(8) In section 41 (functions of local education authorities in respect of further education), after subsection (2) insert-

"(2A) It shall be the duty of every local education authority to publish disability statements at such intervals as may be prescribed.

(2B) For the purposes of subsection (2A) above-

"disability statement" means a statement containing information of a prescribed description about the provision of facilities for further education made by the local education authority in respect of persons who are disabled persons for the purposes of the Disability Discrimination Act 1995; and

"prescribed" means prescribed by regulations made by the Secretary of State."

(9) In section 41(7), (8) and (11), for "this section" substitute "subsections (1) and (6) above".

Further and higher education of disabled persons: Scotland. 1992 c. 37.

31. - (1) The Further and Higher Education (Scotland) Act 1992 is amended as follows.

(2) In section 37 (establishment of Scottish Higher Education Funding Council) after subsection (4) insert-

"(4A) In exercising their functions, the Council shall have regard to the requirements of disabled persons.

(4B) In subsection (4A) above, "disabled persons" means persons who are disabled persons for the purpose of the Disability Discrimination Act 1995."

(3) In section 40 (administration of funds by the Council), after subsection (4) insert-

"(5) Without prejudice to the power to impose conditions given by subsection (3) above, the conditions subject to which the Council make grants, loans or other payments under this section to the governing body of an institution within the higher education sector shall require the governing body to publish disability statements at such intervals as may be specified.

(6) For the purposes of subsection (5) above-

"disability statement" means a statement containing information of a specified description about the provision of facilities for education and research made by the institution in respect of persons who are disabled persons for the purpose of the Disability Discrimination Act 1995; and
"specified" means specified in the conditions subject to which grants, loans or other payments are made by the Council under this section."

CHAPTER 2

FURTHER AND HIGHER EDUCATION

Duties of responsible bodies

26 Discrimination against disabled students and prospective students

(1) In the 1995 Act, insert the following section-

"CHAPTER 2

FURTHER AND HIGHER EDUCATION

Duties of responsible bodies

28R Discrimination against disabled students and prospective students

(1) It is unlawful for the body responsible for an educational institution to discriminate against a disabled person-

- (a) in the arrangements it makes for determining admissions to the institution;
- (b) in the terms on which it offers to admit him to the institution; or
- (c) by refusing or deliberately omitting to accept an application for his admission to the institution.

(2) It is unlawful for the body responsible for an educational institution to discriminate against a disabled student in the student services it provides, or offers to provide.

(3) It is unlawful for the body responsible for an educational institution to discriminate against a disabled student by excluding him from the institution, whether permanently or temporarily.

(4) In the case of an act which constitutes discrimination by virtue of section 55, this section also applies to discrimination against a person who is not disabled.

(5) The body responsible for an educational institution is to be determined in accordance with Schedule 4B, and in the remaining provisions of this Chapter is referred to as the "responsible body".

(6) "Educational institution", in relation to England and Wales, means an institution-

- (a) within the higher education sector;
- (b) within the further education sector; or
- (c) designated in an order made by the Secretary of State.

(7) "Educational institution", in relation to Scotland, means-

- (a) an institution within the higher education sector (within the meaning of section 56(2) of the Further and Higher Education (Scotland) Act 1992);

- (b) a college of further education with a board of management within the meaning of section 36 of that Act;
 - (c) a central institution within the meaning of section 135 of the Education (Scotland) Act 1980;
 - (d) a college of further education maintained by an education authority in the exercise of their further education functions in providing courses of further education within the meaning of section 1(5)(b)(ii) of that Act;
 - (e) an institution designated in an order made by the Secretary of State.
- (8) Subsection (6) is to be read with section 91 of the Further and Higher Education Act 1992.
- (9) The Secretary of State may not make an order under subsection (6)(c) or (7)(e) unless he is satisfied that the institution concerned is wholly or partly funded from public funds.
- (10) Before making an order under subsection (7)(e), the Secretary of State must consult the Scottish Ministers.
- (11) "Student services" means services of any description which are provided wholly or mainly for students.
- (12) Regulations may make provision as to services which are, or are not, to be regarded for the purposes of subsection (2) as student services."

(2) In the 1995 Act, insert the Schedule set out in Schedule 4.

27 Meaning of "discrimination"

In the 1995 Act, insert the following section-

"28S Meaning of "discrimination"

- (1) For the purposes of section 28R, a responsible body discriminates against a disabled person if-
- (a) for a reason which relates to his disability, it treats him less favourably than it treats or would treat others to whom that reason does not or would not apply; and
 - (b) it cannot show that the treatment in question is justified.
- (2) For the purposes of section 28R, a responsible body also discriminates against a disabled person if-
- (a) it fails, to his detriment, to comply with section 28T; and
 - (b) it cannot show that its failure to comply is justified.
- (3) In relation to a failure to take a particular step, a responsible body does not discriminate against a person if it shows-
- (a) that, at the time in question, it did not know and could not reasonably have been expected to know, that he was disabled; and
 - (b) that its failure to take the step was attributable to that lack of knowledge.
- (4) The taking of a particular step by a responsible body in relation to a person does not amount to less favourable treatment if it shows that at the time in

question it did not know, and could not reasonably have been expected to know, that he was disabled.

(5) Subsections (6) to (9) apply in determining whether, for the purposes of this section-

(a) less favourable treatment of a person, or
(b) failure to comply with section 28T,
is justified.

(6) Less favourable treatment of a person is justified if it is necessary in order to maintain-

(a) academic standards; or
(b) standards of any other prescribed kind.

(7) Less favourable treatment is also justified if-

(a) it is of a prescribed kind;
(b) it occurs in prescribed circumstances; or
(c) it is of a prescribed kind and it occurs in prescribed circumstances.

(8) Otherwise less favourable treatment, or a failure to comply with section 28T, is justified only if the reason for it is both material to the circumstances of the particular case and substantial.

(9) If, in a case falling within subsection (1)-

(a) the responsible body is under a duty imposed by section 28T in relation to the disabled person, but
(b) fails without justification to comply with that duty,

its treatment of that person cannot be justified under subsection (8) unless that treatment would have been justified even if it had complied with that duty."

28 Disabled students not to be substantially disadvantaged

In the 1995 Act, insert the following section-

"28T Disabled students not to be substantially disadvantaged

(1) The responsible body for an educational institution must take such steps as it is reasonable for it to have to take to ensure that-

(a) in relation to the arrangements it makes for determining admissions to the institution, disabled persons are not placed at a substantial disadvantage in comparison with persons who are not disabled; and
(b) in relation to student services provided for, or offered to, students by it, disabled students are not placed at a substantial disadvantage in comparison with students who are not disabled.

(2) In considering whether it is reasonable for it to have to take a particular step in order to comply with its duty under subsection (1), a responsible body must have regard to any relevant provisions of a code of practice issued under section 53A.

(3) Subsection (4) applies if a person has made a confidentiality request of which a responsible body is aware.

(4) In determining whether it is reasonable for the responsible body to have to take a particular step in relation to that person in order to comply with its duty under subsection (1), regard shall be had to the extent to which taking the step in question is consistent with compliance with that request.

(5) "Confidentiality request" means a request made by a disabled person, which asks for the nature, or asks for the existence, of his disability to be treated as confidential.

(6) This section imposes duties only for the purpose of determining whether a responsible body has discriminated against a disabled person; and accordingly a breach of any such duty is not actionable as such."

Appendix B: Maps & Plans

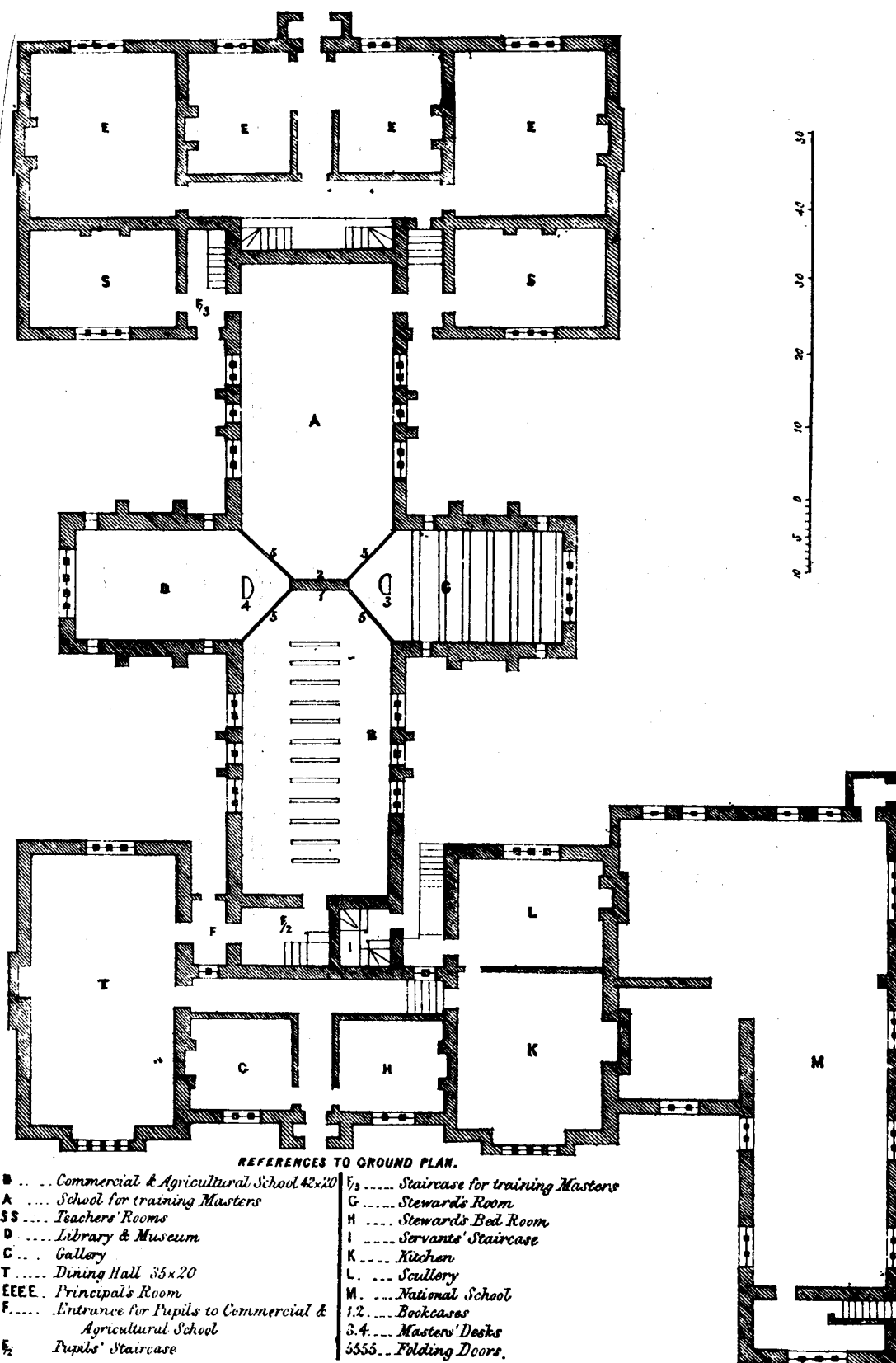
Plan A: The ground floor plan of the original college buildings. Reproduced from Malcolm Seaborne, The College Buildings, in *Perspectives of Chester College 150th Anniversary Essays: 1839-1989*, (Chester 1989) p.32.

Plan B: Proposed layout to the Bluecoat School Ground Floor, April 1991. Plan reproduced from drawing no. P6413/03, Planning Application Ref 24925L, Chester City Council Planning Office.

Plan C: Proposed layout to the Bluecoat School Ground Floor, June 1996. Plan reproduced from Drawing No. 1425/002, University College Chester.

Plan D: Layout of the Grosvenor Museum in the late 1990's (before the Ground Floor Access Scheme). Reproduced from *The Grosvenor Museum, Chester: A Souvenir Guide*, Beric Tempest (1997).

Plan A: The ground floor plan of the original college buildings. Reproduced from Malcolm Seaborne, *The College Buildings*, in *Perspectives of Chester College 150th Anniversary Essays: 1839-1989*, (Chester 1989) p.32.



Appendix C: Summary of Recommendations from '*Protecting our historic environment: Making the system work better*', Department for Media, Culture & Sport (July 2003)¹

1. To bring together the different regimes for protecting the historic environment into a single list.
2. Give English Heritage the statutory responsibility for maintaining the list (whilst still allowing the Secretary of State to make exceptions).
3. Allow discretion and discernment in deciding what shall be on the list, other than using purely economic considerations.
4. To make the listing more transparent and remove uncertainty (e.g. give a statement of reasons for a decision not to list).
5. To improve openness and protection (e.g. to inform and consult local stakeholders).
6. To provide better information for owners and tenants (including a comprehensive information pack).
7. To provide a new right of appeal against listing decisions.
8. To improve management and control (e.g. consent regimes and agreements).
9. To improve planning (e.g. strategies, guidance and appraisals).
10. To improve available resources (e.g. to further examine how to strengthen local authority expertise and animate debates).

¹ *Protecting our historic environment: Making the system work better*, DMCS (July 2003), pp. 24-25

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